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Police Reforms in India: Accountability Mechanisms in Policing

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ABSTRACT

Policing in India today stands right at crossroad where democratic accountability meets shadows of colonial legacy that still influences its structure and spirit. The present research work tries to explore in detail how different institutional mechanisms, statutory reforms, and oversight frameworks together determine contours of police accountability within Indian legal system. It traces historical origin of Police Act of year 1861, analyses constitutional division of powers under Seventh Schedule, and evaluates how judicial interventions have sought to transform police into more professional and autonomous body. Even though Supreme Court in Prakash Singh v. Union of India (2006) 8 SCC 1 issued landmark directions for reform, compliance across various States continues to be patchy which clearly reflects deep resistance to structural independence. The research also focuses on persistent human rights violations such as custodial torture and extra-judicial killings as documented in Status of Policing in India Report (SPIR 2025), thereby exposing stark difference between legal prescriptions and ground realities. Drawing guidance from UNODC Handbook on Police Accountability, Oversight and Integrity and USAID 2016 Report on Effectiveness of Police Accountability Mechanisms, this study follows doctrinal and analytical method to compare India's domestic practices with international standards. The objective is to propose rights-oriented model of democratic policing grounded in transparency, ethical conduct, and active community participation. In end, it concludes that true reform will never flow merely from administrative instructions but only from broader legislative change and deeper cultural transformation within police institutions so that they reflect spirit of constitutional morality and uphold principles of rule of law.

I. INTRODUCTION

A. Conceptualising Police and Rule of Law

The police represent coercive arm of State but at same time they stand as protector and guardian of individual's liberty within democratic order³. Their fundamental duty lies in maintaining

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³ Neelam Kumari & R.K. Sharma, Pursuance of Core Principles of Police Reforms: A Critique, The Indian Police Journal (BPR&D 2016).

peace, preventing crimes, and safeguarding rights of citizens which together sustain constitutional fabric. Under List II, Entry 2 of Seventh Schedule, Constitution has placed “Police” within State List, thereby giving States primary obligation for enforcement of law⁴. Yet Union retains supervisory authority through legislations such as Indian Police Service (Cadre) Rules which create delicate equilibrium between central oversight and State autonomy. The connection between policing and enjoyment of fundamental rights is intrinsic and inseparable. Articles 14, 19, 21, and 22 collectively form foundation of constitutional guarantee of rule of law. In *D.K. Basu v. State of West Bengal* (1997) 1 SCC 416, Supreme Court firmly held that any act of custodial violence amounts to grave violation of right to life and personal liberty under Article 21⁵. Likewise, in *Joginder Kumar v. State of Uttar Pradesh* (1994) 4 SCC 260, Court underlined that fairness and due process during arrest are essential features of lawful procedure. These precedents clearly established that rule of law cannot sustain itself where police act with impunity or without accountability. According to Second Administrative Reforms Commission (ARC-II) in its 2007 Report on Public Order, maintenance of public order is sovereign function inseparable from legitimacy and credibility of governance⁶. A.V.Dicey’s classical conception of rule of law insists that authority must function strictly under legal sanction and not through arbitrary discretion. Therefore, policing in India must remain both transparent and answerable to people. The Commission, in fact, advised that police must gradually evolve from being “force” subservient to political command into “service” that is genuinely responsive to citizens’ welfare and rights.

B. Need and Relevance of Police Reforms in India

The Indian police system continues even today to operate under framework of Police Act of year 1861, colonial statute enacted soon after Revolt of 1857 primarily to consolidate imperial authority⁷. The provisions from Sections 2 to 5 of Act entrenched rigid chain of command that vested excessive powers in executive machinery, treating ordinary citizens as mere subjects rather than participants in governance. After Independence, this colonial structure largely remained untouched which allowed authoritarian and force-oriented culture to persist within institution. Custodial deaths and torture continue to be serious and recurring issues. The SPIR 2025 recorded that about twenty-four percent of police personnel admitted that legal arrest procedures are rarely observed, while more than seventy percent expressed approval for using

⁴ INDIA CONST. sch. VII, List II, entry 2.

⁵ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

⁶ Second Administrative Reforms Commission, Fifth Report: Public Order (Government of India 2007).

⁷ The Police Act, No.5 of 1861, Acts of Parliament, 1861 (India).

“tough interrogation” practices⁸. The NCRB statistics for 2022 reported one hundred and eighty-eight custodial deaths, but number of convictions stayed negligible, revealing systemic tolerance for abuse and absence of strong accountability mechanisms.

Politicisation has further deepened problem of accountability. Transfers and postings are often manipulated as tools of punishment against officers who resist undue political pressure, practice earlier criticised by Ribeiro Committee in 1998. Low conviction rates, procedural lapses, and widespread corruption have together weakened public confidence in institution. In *Prakash Singh v. Union of India*, Supreme Court expressed concern that most State Governments continue to show reluctance in implementing directions that were meant to secure operational autonomy and ensure transparency⁹. Contemporary democratic societies regard policing as citizen-centric public service rather than coercive force.

II. HISTORICAL EVOLUTION OF INDIAN POLICING

A. Colonial Foundations of Police Act of year 1861

The uprising of 1857 revealed fragile administrative system of British Government in India and showed how unprepared regime was to handle public disorder. As reaction to this event Crown introduced Police Act of year 1861 which was designed to create strong and highly centralised policing machinery intended mainly to maintain British control over territories¹⁰. Through its Sections 2 to 5, Act created offices of Inspector General, Superintendents, and several subordinate ranks who were bound to obey executive directions without questioning them. The entire structure thus gave preference to obedience over discretion thereby turning police into arm of ruling authority rather than protector of people. It has been observed by scholars that such system was clearly ruler’s police rather than people’s police as it was meant to suppress discontent rather than to ensure justice. In fact Indian Police Journal in its 2016 edition pointed out that law was more about preserving order for empire than about protecting citizens¹¹. Even judiciary has recognised colonial legacy of statute and in case of *Anil Kumar Sawhney v Gulshan Rai* (1993) 4 SCC 424, Supreme Court remarked that administrative structures must evolve in accordance with democratic Constitution and cannot remain tied to convenience of imperial order. Yet in practical terms most of States in India continue to operate under same Act of 1861 which shows deep rooted institutional inertia and unwillingness to reform.

⁸ Status of Policing in India Report 2025: Police Torture and (Un)Accountability, Common Cause & Lokniti-CSDS (2025).

⁹ *Prakash Singh v. Union of India*, (2006) 8 SCC 1.

¹⁰ Handbook on Police Accountability, Oversight and Integrity, United Nations Office on Drugs and Crime (2011).

¹¹ Parvez Hayat, Ethics in Governance – Reform in Vigilance Administration and Anti-Corruption Measures, The Indian Police Journal (BPR&D 2016).

B. Early Post-Independence Developments

After India achieved independence in 1947, Constitution placed subject of Police under State List according to Article 246 read together with Seventh Schedule. This arrangement was meant to bring policing in closer connection with local governance so that regional requirements could be better addressed. However, absence of national benchmarks soon led to administrative inconsistencies between different States. The continuation of colonial hierarchies and strict chain of command further slowed down any meaningful reform. The Gore Committee of year 1971 emphasised importance of professional training, ethical discipline, and better human relations but unfortunately these ideas remained largely unimplemented because of bureaucratic indifference. Various State enactments such as Kerala Police Act of 2011 and Maharashtra Police Act of 1951 tried to introduce modern administrative structures yet strong grip of executive branch continued to dominate police functioning. The Ribeiro Committee Report of 1998 clearly remarked that policing culture in India still reflects punitive mindset rather than approach based on public service.

C. Major Committees and Commissions before Year 2000

The National Police Commission which functioned between 1977 and 1981 under chairmanship of Dharamveer was first detailed effort to review policing after independence. The Commission proposed creation of State Security Commissions, separation of investigation wing from law and order branch, and also recommended fixed tenures for officers so that political misuse could be reduced¹². But most of these suggestions were implemented only in part. The Ribeiro Committee of 1998 and 1999 which was formed following landmark Prakash Singh case again emphasised need for independent Police Complaints Authorities and effective accountability mechanisms. The Vohra Committee Report of 1993 further exposed close nexus that existed between criminal elements, politics, and police. Later on Padmanabhaiah Committee in year 2000 presented almost two hundred and forty recommendations which dealt with subjects like modernisation, professional ethics, and training reforms. Still, in absence of binding statutory amendments, these recommendations remained more aspirational than operational in character.

D. Second Administrative Reforms Commission (ARC II) Public Order Report of Year 2007

The Second Administrative Reforms Commission in its Public Order Report of 2007 attempted to redefine policing as public service institution rather than coercive instrument of government. It advocated for complete separation of investigative functions from those concerning law and

¹² National Police Commission, Reports 1979–1981, Ministry of Home Affairs (India).

order, establishment of independent complaints bodies, and introduction of systems that allow active citizen participation in oversight¹³. The report also cautioned that excessive political interference damages both public faith and constitutional values.

III. CONSTITUTIONAL AND LEGAL FRAMEWORK OF POLICE ACCOUNTABILITY IN INDIA

A. Constitutional Basis

The Indian Constitution divides control of police between Union and States under Article 246 read with Seventh Schedule List II Entry 2¹⁴. Each State runs its own police system while Union retains control of central agencies such as CBI and various paramilitary organisations, and this federal structure was designed to maintain coordination and autonomy together though it often produces confusion about jurisdiction and accountability. The judiciary has repeatedly held that constitutional responsibility of police must remain subject to constitutional scrutiny. In case of *Prakash Singh v. Union of India* (2006) 8 SCC 1, Supreme Court directed far-reaching structural reforms for professional and politically independent policing by ordering creation of State Security Commissions and fixing secure tenures for senior officers¹⁵. Likewise in *Vineet Narain v. Union of India* (1998) 1 SCC 226, Court broadened idea of institutional independence of investigative machinery by insisting that such bodies must remain free from political interference so that rule of law could function in integrity¹⁶. In both these judgments Court clearly stressed that no democratic constitutional government can survive without system of accountable policing. The concept of human rights of citizens is moral foundation of constitutional design of police. Articles 14, 19, 21, and 22 secure equality, liberty, and right against arbitrary arrest or detention. In *D.K. Basu v. State of West Bengal* (1997) 1 SCC 416, Supreme Court framed mandatory procedures for arrest and detention treating custodial torture as direct breach of Article 21¹⁷. These guidelines affirm that State is obliged to protect rights rather than to suppress them, though Second Administrative Reforms Commission had observed that absence of uniform mechanism of enforcement still allows police to escape effective constitutional review¹⁸.

¹³ Second Administrative Reforms Commission, Fifth Report: Public Order (Government of India 2007).

¹⁴ INDIA CONST.art.246, sch. VII, List II, entry 2.

¹⁵ *Prakash Singh v. Union of India*, (2006) 8 SCC 1.

¹⁶ *Vineet Narain v. Union of India*, (1998) 1 SCC 226.

¹⁷ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

¹⁸ Second Administrative Reforms Commission, Fifth Report: Public Order (Government of India 2007).

B. Statutory Framework

The Police Act of 1861 continues to serve as principal statute governing police structure in India. It was enacted immediately after Revolt of 1857 when colonial rulers aimed to establish strict central authority over local populations by placing discipline above liberty¹⁹. The law vested complete control of appointments and transfers in executive thereby creating dependency instead of autonomy. The statute never imagined any independent system of accountability or civilian oversight. The Bureau of Police Research and Development later observed that despite numerous amendments original colonial spirit of Act remains intact and hence conflicts with ideals of democratic governance of Republic²⁰. Following *Prakash Singh*, many States enacted new legislations such as Kerala Police Act 2011 and Maharashtra Police (Amendment) Act 2014 in order to incorporate directions of Supreme Court, but level of compliance differs widely from State to State. Several enactments have watered down Court's intent by keeping political dominance within so-called State Security Commissions which are filled mainly with executive members. The Centre for Law and Policy Research in its detailed report pointed out that these diluted measures defeat very essence of police accountability²¹.

Procedural accountability flows from Code of Criminal Procedure 1973 which prescribes process for registration and investigation of offences. Sections 154 to 176 regulate registration of FIRs, manner of investigation, and conduct of inquests in cases of death occurring in custody. Section 176(1A) specifically mandates that every custodial death must be subjected to independent judicial inquiry so that transparency is ensured, but NCRB data reveals that prosecutions under this section are extremely rare. In *Lalita Kumari v. Government of Uttar Pradesh* (2014) 2 SCC 1, Supreme Court made it compulsory for every officer to register FIR in case cognisable offence is reported and ruled that failure to do so amounts to dereliction of duty²². The Prevention of Torture Bill 2010 had been introduced with object of criminalising custodial torture and aligning domestic law with UN Convention against Torture (UNCAT). India signed UNCAT in 1997 but never ratified it citing absence of enabling legislation, and SPIR 2025 review observed that this inaction has sustained culture of impunity which erodes constitutional obligations²³. Human rights activists have long argued that unless offence of torture is explicitly defined and penalised by statute, administrative guidelines alone

¹⁹ The Police Act, No.5 of 1861, Acts of Parliament, 1861 (India).

²⁰ Bureau of Police Research and Development, Police Reforms in India (2017).

²¹ Centre for Law and Policy Research, Police Accountability in India (2013–2014).

²² *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1.

²³ Status of Policing in India Report 2025: Police Torture and (Un)Accountability, Common Cause & Lokniti-CSDS (2025).

will never prevent abuse.

C. Judicial Directions and Oversight Mechanisms

The decision in *Prakash Singh v. Union of India* stands as cornerstone of judicial efforts to ensure police accountability. The Supreme Court through this ruling issued seven mandatory directions that together formed what is often regarded as constitutional charter for police reform in India. The first directive required creation of State Security Commissions to protect police from political interference and to frame broad policy directions. The second ensured fixed tenure for Director General of Police so that arbitrary removal could be prevented. The third called for formation of Police Establishment Boards to manage postings and transfers with transparency. The fourth separated investigation functions from law and order duties so that inquiries could be conducted scientifically without outside influence. The fifth mandated establishment of Police Complaints Authorities at both State and district levels to provide independent grievance redressal for citizens. The sixth ordered constitution of National Security Commission to supervise central police organisations.

Although these directions were binding under Article 142, implementation has remained only partial and uneven. In *Common Cause v. Union of India* (2018) 5 SCC 1, Supreme Court was forced to reissue further clarifications after finding that several States had enacted diluted statutes undermining autonomy intended by earlier judgment²⁴. By 2023 Court again expressed serious concern because compliance reports were incomplete and multiple contempt petitions were still pending. This continuing judicial struggle shows that deep structural resistance exists within political system against decentralised accountability. The Second Administrative Reforms Commission in its report on Public Order had similarly recommended strengthening community oversight through independent inspectorates. A 2016 USAID study further concluded that institutional accountability cannot truly function unless civil participation and transparency are made part of governance process²⁵. Hence judicial directions attempt to fill legislative vacuum but by themselves they cannot replace long-term structural reform.

D. Human Rights and Custodial Accountability

Custodial violence remains gravest affront to constitutional rights of citizens. According to NHRC data for year 2022, there were 147 reported deaths in police custody and more than 1600 deaths in judicial custody across India²⁶. NCRB statistics confirm that while incidents of

²⁴ Common Cause v. Union of India, (2018) 5 SCC 1.

²⁵ USAID, Effectiveness of Police Accountability Mechanisms (Chemonics International 2016).

²⁶ National Human Rights Commission, Annual Report 2022–23 (NHRC India).

custodial violence are steadily rising conviction rate in such cases still remains below five percent. The SPIR 2025 survey revealed that nearly forty percent of police personnel considered use of physical force during interrogation as acceptable practice which indicates how normalised such brutality has become²⁷. The National Human Rights Commission functioning under Protection of Human Rights Act 1993 plays essential role in inquiring into custodial deaths, and Section 12 empowers it to demand reports, recommend compensation, and monitor compliance with its directions. The State Human Rights Commissions supplement this role at regional level though their recommendations are merely advisory and lack binding effect, leading to weak implementation.

The judiciary has continuously expanded jurisprudence of compensatory and preventive relief in such matters. In *Nilabati Behera v. State of Orissa* (1993) 2 SCC 746, Court declared State vicariously liable for death of person in custody and awarded monetary compensation under Article 32. Again in *Munshi Singh Gautam v. State of Madhya Pradesh* (2005) 9 SCC 631, it was reaffirmed that torture can never be justified in name of maintaining security or investigation efficiency. Both these decisions highlight State's responsibility for unlawful acts committed by its agents. The UNODC Handbook on Police Accountability also stresses that true custodial safeguards must include prompt judicial supervision, regular medical examination, and immediate access to legal counsel²⁸. Indian practice however continues to be inconsistent, as absence of independent forensic documentation and inadequate witness protection discourage prosecution of offending officers. It is therefore clear that genuine accountability requires coordination among judiciary, NHRC, and internal disciplinary frameworks so that constitutional promises may be effectively realised in daily policing.

IV. INTERNAL AND EXTERNAL ACCOUNTABILITY MECHANISMS

A. Internal Accountability (Departmental and Administrative)

The police structure which is supervised by Director General, Inspector General, Superintendent and Station House Officer establishes chain of internal control through strict service rules and codes of conduct that govern every officer's behaviour and responsibility. These disciplinary measures framed under respective service regulations are intended to deal with misconduct within department. Most of inquiries however are handled by senior officers who belong to same department. This situation often creates concerns of conflict of interest and affects impartiality. The CLPR's 2013–14 report in fact observed that there was no transparent

²⁷ Status of Policing in India Report 2025: Police Torture and (Un)Accountability, Common Cause & Lokniti-CSDS (2025).

²⁸ United Nations Office on Drugs and Crime, Handbook on Police Accountability, Oversight and Integrity (2011).

system of disclosure of disciplinary data and that punishments were often selective and inconsistent²⁹. Political interference further undermines autonomy of police and affects integrity of functioning. Frequent transfers are common and are used as tools of punishment against officers who act honestly and refuse to yield to external pressure. Because there is hardly any institutional protection, officers hesitate to take independent decisions that might offend higher authorities. The element of departmental secrecy still prevails and protects misconduct because results of internal inquiries are rarely made public or disclosed to citizens. According to review conducted by BPR&D disciplinary proceedings often suffer delays extending sometimes even beyond five years which entirely defeats purpose of deterrence and accountability.

B. External Accountability

Judicial supervision continues to serve as strongest form of external control over police functioning. Magistrates exercise supervision over investigation and custody matters under Sections 156 and 167 of Code of Criminal Procedure, 1973. The constitutional remedy of habeas corpus under Articles 32 and 226 allows courts to examine complaints of illegal detention. In landmark decision of *Rudal Shah v. State of Bihar* (1983) 4 SCC 141, Supreme Court granted compensation for wrongful imprisonment and thereby firmly connected police accountability with protection of right under Article 21³⁰. Legislative institutions also monitor policing activities through question hours, committee reviews and audit examinations. However, parliamentary scrutiny of police budgets and performance remains very limited in practice. Independent oversight bodies have been introduced to strengthen external checks. The Police Complaints Authorities which were proposed in *Prakash Singh* case function as quasi-judicial institutions both at State and district levels, though many of them unfortunately remain dormant or under-resourced. The Human Rights Commissions investigate broader cases of abuse of power and Lokayuktas look into allegations of corruption against public officials. Civil society organisations together with investigative media play important part in revealing instances of police abuse and in creating public pressure for reform. The Right to Information Act, 2005 has empowered citizens to seek departmental data though exemptions under Section 8 are often used to deny information and limit transparency.

C. Emerging Social Accountability Models

Across world there has been increasing movement towards participatory policing that promotes partnership between citizens and police for mutual trust and responsibility. The 2016 USAID

²⁹ Centre for Law and Policy Research, Police Accountability in India (2013–2014).

³⁰ *Rudal Shah v. State of Bihar*, (1983) 4 SCC 141.

report referred to this as “short route to accountability” achieved through citizen forums and community partnerships³¹. Practical experiments undertaken in Sierra Leone and Nepal clearly demonstrated that when local communities were involved in continuous dialogue with police authorities level of trust improved and incidents of abuse declined significantly. In United Kingdom Civilian Complaint Review Board provides fully independent platform for adjudicating misconduct cases thereby strengthening confidence of public. Within India, initiatives such as Community Liaison Groups and Jan Sampark Abhiyan in State of Rajasthan have displayed encouraging outcomes indicating how collaborative policing can function effectively. The Second Administrative Reforms Commission (ARC-II) even proposed establishment of community safety forums under district administration to institutionalise this cooperation. Such mechanisms if combined with transparent registration of FIRs and fair arrest procedures are capable of developing multi-layered model of accountability. According to UNODC, such participatory efforts bridge distance between state authority and citizen consent and gradually transform police into service-oriented institution dedicated to public welfare and lawful governance.

V. CHALLENGES IN IMPLEMENTING ACCOUNTABILITY IN INDIAN POLICING

A. Structural and Institutional Barriers

The structure under Police Act, 1861 still governs much of Indian policing and it is very clear that it was crafted for purpose of maintaining control rather than building public trust. The design remains hierarchical and authoritarian and this discourages initiative and innovation at ground level. It overlooks principles of service-orientation and participatory policing which should ideally inform modern police system. Many States have retained this model despite repeated judicial and expert recommendations for comprehensive legislative overhaul. The fragmentation of command weakens accountability. Overlapping jurisdictions among district police, special units and central agencies such as Central Bureau of Investigation (CBI) and National Investigation Agency (NIA) cause confusion in operations and diffuse responsibility. In numerous communal or riot situations, we observe contradictory reports from state and central forces, indicating institutional dysfunction. Human-rights violations further deepen public distrust. According to Status of Policing in India Report (SPIR) 2025 almost half of police personnel justify use of violence to extract confessions while public confidence remains very low. The National Human Rights Commission of India (NHRC)’s 2022–23 report shows that most custodial deaths stem from torture and delay in medical care. Persistent impunity

³¹ USAID, Effectiveness of Police Accountability Mechanisms (Chemonics International 2016).

gradually erodes legitimacy of institution and reduces public cooperation. Without mutual trust between police and citizens reform frameworks cannot sustain themselves.

B. Political and Bureaucratic Interference

Political interference continues to be at root of systemic distortion within policing. Transfers, postings and promotions are often manipulated for political loyalty rather than merit. Senior officers find themselves under pressure to alter investigations so as to favour ruling interests. In *Prakash Singh v. Union of India* (2006 8 SCC 1) Supreme Court prescribed fixed tenure and security of appointment for police officers yet compliance remains inconsistent. The “dual control” dilemma divides accountability between executive chain and professional chain. The District Magistrate supervises law and order while Superintendent of Police holds operational command. This duality allows blame-shifting and undermines decision-making.

C. Custodial Violence and Culture of Impunity

Custodial torture remains perhaps darkest aspect of policing in India. SPIR 2025 records that 24 percent of personnel openly support use of force during interrogation. The NHRC’s data for 2022 shows 147 deaths in police custody and 1, 600 in judicial custody across India. Despite repeated judicial condemnation accountability remains rare. Departmental inquiries frequently end with mild reprimands and prosecutions seldom reach conviction. The absence of anti-torture legislation perpetuates impunity. India signed United Nations Convention against Torture (UNCAT) in 1997 but has yet to ratify it. The Prevention of Torture Bill, 2010 lapsed without enactment, leaving legislative vacuum inconsistent with constitutional mandate of Article 21 protecting life and dignity. In *D.K. Basu v. State of West Bengal* (1997 1 SCC 416) Court issued detailed safeguards against custodial abuse, but enforcement remains sporadic. Medical complicity aggravates problem. The NHRC found instances where doctors certified injuries as accidental to protect officials. Forensic protocols are weak and delayed post-mortems erode evidence. The United Nations Office on Drugs and Crime (UNODC)’s Handbook on Police Accountability stresses immediate medical access and independent forensic documentation as key to deterrence. Until legislative and medical systems align with global norms impunity will continue to prevail.

D. Lack of Data Transparency and Citizen Participation

Transparency in police-data remains poor. The National Crime Records Bureau (NCRB) statistics under-report custodial violence and omit information on disciplinary actions. Many States fail to publish annual reports of Police Complaints Authorities. Responses under Right to Information Act, 2005 are delayed or denied citing exemptions under Section 8(1)(a).

Citizens therefore lack credible information to monitor misconduct. Public participation in oversight bodies remains minimal. Few States appoint civil-society members to their State Security Commissions. According to USAID's Effectiveness of Police Accountability Mechanisms report citizen engagement provides "short route to accountability" by reducing distance between authority and community. Absence of forums for community-police partnership limits communication and leaves citizens alienated. In societies where trust is weak policing becomes coercive rather than collaborative.

VI. COMPARATIVE AND INTERNATIONAL PERSPECTIVES

International standards see policing as rights-based public service. The UN Code of Conduct for Law Enforcement Officials (1979) mandates respect for human dignity and proportional use of force. It emphasises duty to report violations and establish complaint mechanisms. The UNODC's Handbook on Police Accountability, Oversight and Integrity (2011) collates best practices including early-warning systems, civilian review boards and internal ethics units. It recommends integrating human-rights education into training and ensuring independent investigations of complaints. Several countries institutionalised these practices through statutory agencies. In Independent Office for Police Conduct (UK) (formerly IPCC) misconduct is investigated independently of executive control. In United States local Civilian Review Boards empower citizens to audit police behaviour. In Independent Police Investigative Directorate (IPID) of South Africa prosecutorial coordination combines with community outreach showing that institutional independence can coexist with accountability. These comparative examples underline universal principle that power must work within law and not above it.

VII. TOWARDS MODEL OF DEMOCRATIC AND ACCOUNTABLE POLICING IN INDIA

A. Principles for Reform (Derived from ARC-II, BPR&D, CLPR, UNODC)

In any democratic society, it becomes essential that control over police remains both legitimate and accountable while maintaining space for their professional autonomy which must remain protected from political interference so that policing serves people rather than power. ARC-II had very clearly mentioned that police must act in obedience to law and not in submission to political directions or arbitrary executive commands because only such separation ensures real independence and fairness of action³². State governments can certainly set broad policy goals and strategic directions but operational judgments such as investigation methods or field-level

³² Second Administrative Reforms Commission, Fifth Report: Public Order (Government of India 2007).

deployment must remain professional decisions. This division of responsibility creates both legitimacy and efficiency in performance.

It appears clear that rule of law and protection of human rights must stand as central foundation for every reform effort. The UNODC Handbook on Police Accountability specifically reminded that every use of force must be proportionate and must preserve dignity of individual at all times³³. CLPR research also draws attention to rights-based policing that prevents arbitrary behaviour. The principle of legality ensures that every police act stays bound to constitutional guarantees laid down under Articles 14 and 21. To be honest, transparency and community participation seem to be best way to strengthen accountability because secrecy often breeds misuse.

The BPR&D report on Police Reforms in India suggested that regular performance audits, public disclosure of data, and active feedback from citizens must form part of modern policing structure³⁴. Such evaluation promotes culture of service rather than coercion. ARC-II further observed that quality of policing must be assessed not by crime statistics alone but by fairness, responsiveness, and satisfaction among public. Gender sensitivity also carries high importance because inclusion of women and diversity in recruitment build empathy and accessibility. BPR&D's Gender Audit 2023 observed that minimal representation of women affects both sensitivity and trust especially among victims of domestic or sexual crimes. Recruitment from marginalised communities strengthens legitimacy by reducing social distance between police and citizens. UNODC also described gender mainstreaming as necessary part of ethical policing practices³⁵.

B. Proposed Framework for Strengthening Accountability

For any meaningful change, India requires new legislation to replace outdated Police Act of 1861 with comprehensive Police Accountability Act that truly reflects democratic principles. The colonial law of 1861 was designed for control not service, which is incompatible with constitutional governance³⁶. Therefore, new framework should codify directives issued in *Prakash Singh* judgment together with ARC-II and NHRC guidelines. It must define police not as coercive arm but as service institution committed to transparency and human rights. Institutionally, State Security Commissions should operate as independent oversight bodies including judicial members, civil society representatives, and retired officers. Both ARC-II and

³³ United Nations Office on Drugs and Crime, Handbook on Police Accountability, Oversight and Integrity (2011).

³⁴ Bureau of Police Research and Development, Police Reforms in India (2017).

³⁵ United Nations Office on Drugs and Crime, Handbook on Police Accountability, Oversight and Integrity (2011).

³⁶ The Police Act, No.5 of 1861, Acts of Parliament, 1861 (India).

CLPR suggested formation of Independent Inspectorates that would conduct surprise inspections and ensure internal discipline³⁷. At ground level, Citizen Police Review Boards can serve as local platforms for complaints and community dialogue. USAID studies also found that such short-route participation through local review greatly improves accountability and public trust³⁸. Community engagement remains pillar of democratic policing. ARC-II proposed *Jan Sampark* sessions where officers interact with residents to discuss safety issues. Public audits of police stations could also improve trust between both sides. SPIR 2025 survey found that only about 17 percent citizens believe that police act fairly which shows need for dialogue and responsiveness³⁹. Establishing Community Policing Cells in every district can institutionalise such participation. UNODC encourages similar participatory mechanisms as essential for conflict-sensitive and humane policing.

C. Integrating Technology and Ethics

It may be said that technology has become ally in transparency and deterrence against abuse. The use of body-worn cameras in Delhi and Chennai has reduced both complaints and instances of misconduct. Digital dashboards showing response times, FIR data, and disciplinary actions can make performance publicly visible. Auditing of digital records prevents corruption and misuse of authority. Ethical and rights-based training must, however, remain central to all professional education. Both Padmanabhaiah Committee and BPR&D's 2022 Training Manual emphasised that police education must shift from drill-based patterns towards lessons on constitutional values, gender justice, and mental health⁴⁰. Continuous refresher courses should be made compulsory so that ethical understanding keeps pace with changing society.

VIII. CONCLUSION

Indian policing today stands at crossroad between colonial legacy and democratic renewal. The old Police Act of 1861 still mirrors structure based on fear rather than consent which cannot fit within constitutional democracy. Though ARC-II and *Prakash Singh* guidelines laid clear blueprint, implementation remains half done and fragmented. The true reform lies in changing philosophy from force-based control to service-based legitimacy. Such change must rest upon rule of law, transparency, and civic partnership. SPIR 2025 findings on torture, gender imbalance, and distrust among people highlight how urgent this transformation has

³⁷ Centre for Law and Policy Research, Police Accountability in India (2013–2014).

³⁸ USAID, Effectiveness of Police Accountability Mechanisms (Chemonics International 2016).

³⁹ Status of Policing in India Report 2025: Police Torture and (Un)Accountability, Common Cause & Lokniti-CSDS (2025).

⁴⁰ Bureau of Police Research and Development, Training Manual for Police Personnel (2022).

become⁴¹. Hence, future reform should unite legislative renewal, institutional independence, and modern technology under one ethical framework. Accountability cannot depend only on internal supervision but must grow as shared responsibility between judiciary, legislature, and community. Human rights-compliant policing will succeed only when law, ethics, and empathy operate together. The convergence of *Prakash Singh* directives, ARC-II recommendations, and global standards from UNODC and USAID can together build transparent, efficient, and humane police system. A democratic State gains legitimacy only when its law enforcement protects rather than oppresses. The reimagined Indian police must therefore become guardian of people's liberty and dignity instead of instrument of fear. Only such transformation will bring to life vision of constitutional justice embodied within Articles 14, 19, and 21.

⁴¹ Status of Policing in India Report 2025: Police Torture and (Un)Accountability, Common Cause & Lokniti-CSDS (2025).

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