

JUDICIAL DIRECTIONS AND POLICE REFORMS IN INDIA: CONSTITUTIONAL IMPERATIVES, COMMITTEE RECOMMENDATIONS, AND IMPLEMENTATION CHALLENGES

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ABSTRACT

Police reform in India has emerged as a constitutional and institutional imperative in response to persistent challenges such as custodial violence, arbitrary arrests, political interference, and erosion of public trust in law enforcement. This study critically examines the evolution, legal foundations, and contemporary relevance of police reforms in India through an analysis of constitutional provisions, statutory frameworks, judicial interventions, and reform committee recommendations. Anchored primarily in Articles 14, 21, and 32 of the Constitution, the paper explores how judicial activism—particularly through landmark decisions such as *D.K. Basu v. State of West Bengal* and *Prakash Singh v. Union of India*—has shaped procedural safeguards, accountability mechanisms, and structural reforms within policing. The research further evaluates the influence of major police reform committees, including the National Police Commission, Malimath Committee, and Soli Sorabjee Committee, alongside recent legislative developments under the Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023. By examining implementation challenges, state responses, and recent instances of custodial misconduct, particularly in Tamil Nadu, the study highlights the persistent gap between normative legal frameworks and operational realities. The paper concludes by proposing a rights-oriented, institutionally autonomous, and citizen-centric model of policing that integrates constitutional morality, legislative enforcement, judicial oversight, and administrative accountability as the way forward for meaningful police reform in India.

Keywords: Police Reforms, Judicial Activism, Custodial Violence, Constitutional Rights, *Prakash Singh Case*, *D.K. Basu Guidelines*, Police Accountability, BNS and BNSS, Rule of Law, Human Rights

I. Introduction

The institution of the police holds a constitutionally pivotal position in any democratic polity. In India, however, the police force has been deeply shaped by its colonial genealogy — the Police Act of 1861¹³⁴⁷— designed principally to secure imperial authority rather than to protect citizens' rights. Although the Constitution of India (1950) transformed the normative landscape of governance, policing structures remained substantially unreformed in

the post-independence period. The consequence has been a persistent disjunction between constitutional values and operational policing realities: political interference in transfers and postings, custodial torture, illegal detention, and discriminatory enforcement continue to attract documented concern.

This gap between constitutional aspiration and ground-level practice has generated two parallel responses. First, successive governments constituted expert committees —

¹³⁴⁷ Police Act, 1861 Act No. 5 of 1861 (India).

from the National Police Commission of 1977 to the Police Act Drafting Committee II of 2015 – whose voluminous recommendations collectively articulate a coherent constitutional vision of professional, accountable policing. Second, and crucially, the Supreme Court of India has exercised its jurisdiction under Articles 32 and 142 of the Constitution to issue binding structural directions to the executive – a form of judicial activism premised on the Court's obligation to enforce fundamental rights in the face of prolonged executive inaction.

This article traces both strands. Section II contextualises the historical evolution of Indian policing. Section III analyses the constitutional basis of judicial intervention. Section IV surveys the major police reform committees. Section V examines landmark judicial decisions. Section VI assesses the legislative innovations introduced by the BNS and BNSS. Section VII documents recent incidents of custodial misconduct. Section VIII evaluates implementation challenges, and Section IX proposes a way forward. The article argues that sustainable police reform requires not merely judicial directives or legislative enactments, but a fundamental reorientation of institutional culture grounded in constitutional morality.

II. Historical Context: From Ancient Dharmic Policing to the Colonial Legacy

The history of policing in India reveals a gradual and ultimately disruptive transformation. In ancient India, Kautilya's Arthashastra¹³⁴⁸ envisaged a decentralised, community-oriented system of law enforcement embedded in the concept of dharma, wherein the ruler's primary obligation was to ensure social harmony rather than coercive control. During the medieval period, institutions such as the office of the kotwal under the Mughal Empire¹³⁴⁹ combined administrative and policing functions, maintaining accountability to the sovereign within a hierarchical but contextually responsive structure.

The colonial rupture, formalised through the Police Act of 1861 in the aftermath of the 1857 Revolt, was decisive. The British administration deliberately created a militarised, centralised police force oriented towards political control of the colonised population rather than public service. The Act vested disproportionate authority in the executive, excluded community participation, and institutionalised a culture of obedience and surveillance that became the structural DNA of Indian policing. Crucially, this framework survived independence virtually intact: policing was placed under the State List (Entry 2, Seventh Schedule), reinforcing state executive dominance without corresponding accountability safeguards.

The contemporary era has brought new urgency to this inherited deficiency. Urbanisation, the proliferation of organised crime and cybercrime, and the growing assertion of fundamental rights through judicial processes have exposed the profound inadequacy of the 1861 model. The Supreme Court's repeated interventions in custodial protection and police accountability reflect a recognition that structural reform is constitutionally indispensable. The historical trajectory of Indian policing thus frames judicial activism not as anomalous interference but as a necessary constitutional corrective to a colonial distortion that post-independence governance failed to rectify.

III. Constitutional Basis of Judicial Intervention in Police Reforms

The constitutional foundation for judicial engagement with police reform rests on three interlocking provisions. Article 14 guarantees equality before the law and equal protection of the laws, prohibiting arbitrary state action.¹³⁵⁰ Policing practices that are selective, politically motivated, or discriminatory – whether in arrests, investigation, or the exercise of coercive authority – constitute violations of this guarantee. Structural reforms that insulate the police from executive interference and promote

¹³⁴⁸ Kautilya Arthashastra, Book I, Chapter 4.

¹³⁴⁹ Irfan Hbaib, Medieval India: The Study of a Civilization (1997)

¹³⁵⁰ E.P. Royappa v. State of Tamil Nadu

uniform, non-arbitrary enforcement are, on this analysis, constitutionally mandated by Article 14 itself.

Article 21, guaranteeing the right to life and personal liberty, has been expansively interpreted by the Supreme Court to encompass dignity, due process, and humane treatment.¹³⁵¹ Custodial torture, illegal detention, and coercive interrogation practices directly threaten the substantive core of Article 21. The Court has consistently held that deprivation of liberty, when authorised by law, must be accompanied by procedural fairness and institutional accountability. Police reform is thus not merely an administrative preference but an affirmative constitutional obligation flowing from the State's duty to protect life and liberty.

Article 32 empowers the Supreme Court to enforce fundamental rights through appropriate orders, providing the procedural basis for judicial intervention when executive inaction produces systemic rights violations.¹³⁵² The Court has also invoked Article 142 – which confers power to pass such orders as are necessary to do complete justice – to issue structural directions in the absence of adequate legislation.¹³⁵³ Together, these provisions sustain a constitutional architecture in which judicial oversight of policing is not an encroachment upon legislative or executive domain but the fulfilment of the Court's primary constitutional function as the guardian of fundamental rights. Article 50, which mandates separation of the judiciary from the executive, further reinforces the need for an autonomous professional police force insulated from partisan control.¹³⁵⁴

IV. Major Police Reform Committees and Their Normative Contribution

A. National Police Commission (1977–1981)

The National Police Commission (NPC), constituted in 1977, remains the most comprehensive official inquiry into Indian

policing. Its eight reports identified political interference in appointments, transfers, and promotions as the most pervasive structural malady. The NPC proposed three institutional correctives that have since become the standard framework for reform discourse: a State Security Commission (SSC)¹³⁵⁵ to insulate the police from political control; fixed minimum tenures for senior officers to ensure stability and professional autonomy; and independent complaint-redressal bodies to provide external accountability for misconduct. The NPC also articulated a normative shift from a force-centric to a citizen-centric model, urging community engagement and human rights sensitivity as indispensable components of democratic policing. Despite their intellectual depth, the NPC's recommendations were substantially ignored by state governments for nearly three decades, until the Supreme Court gave them quasi-binding effect in *Prakash Singh* (2006).¹³⁵⁶

B. Ribeiro Committee (1998) and Padmanabhaiah Committee (2000)

The Ribeiro Committee revisited NPC proposals and emphasised practical implementation of the SSC and tenure protections, underscoring that unchecked executive control over transfers had created a culture of political loyalty rather than professional independence.¹³⁵⁷ The Padmanabhaiah Committee (2000)¹³⁵⁸ took a forward-looking approach, stressing the separation of investigative functions from law-and-order duties – an argument grounded in both efficiency and rights-protection, since overburdened police personnel are more prone to coercive shortcuts. Both committees reinforced the consensus on functional specialisation as an essential element of modern constitutional policing.

¹³⁵¹ *Maneka Gandhi v. Union of India*

¹³⁵² Constitution of India, art. 32

¹³⁵³ Constitution of India, art. 142

¹³⁵⁴ Constitution of India, art. 50

¹³⁵⁵ National Police Commission, Second Report (1979)

¹³⁵⁶ *Prakash Singh v. Union of India*

¹³⁵⁷ J.F. Ribeiro Committee on Police Reforms, Report (1998)

¹³⁵⁸ Padmanabhaiah Committee on Police Reforms, Report (2000)

C. Malimath Committee on Reforms of the Criminal Justice System (2003)

Justice V.S. Malimath's Committee approached police reform systemically, situating it within the broader criminal justice process. Its principal contribution was the emphasis on scientific, evidence-based investigation as an alternative to coercive interrogation – a recommendation that directly addressed the structural drivers of custodial violence¹³⁵⁹. The Committee also advanced a victim-centric perspective, arguing that the criminal justice system's traditional preoccupation with the rights of the accused had marginalised victims, requiring a rebalancing that demanded police responsiveness, transparency, and human dignity in investigative practice.

D. Soli Sorabjee Committee – Police Act Drafting Committee (2005–2006)

The most significant legislative contribution to reform discourse came from the Police Act Drafting Committee chaired by former Attorney General Soli J. Sorabjee, which produced a Model Police Act in 2006. The Model Act proposed a comprehensive statutory replacement for the 1861 legislation, embedding in legislation the normative principles identified by earlier committees: an SSC with genuine policy oversight functions; fixed tenures for the Director General of Police and key operational officers; Police Complaints Authorities at state and district levels with independent investigative power; and separation of investigation from law-and-order duties. The Model Act¹³⁶⁰ explicitly reoriented the objectives of policing towards the protection of life, liberty, and community trust – transforming policing from an executive instrument into a constitutional service. Its influence on subsequent judicial directions and state legislation, though uneven, has been substantial.

E. Justice Verma Committee (2013) and Police Act Drafting Committee II (2015)

The Justice Verma Committee (2012–13), convened following the December 2012 gang rape case, extended the reform discourse to gender sensitivity¹³⁶¹ and victim-centric policing, demanding strict accountability for dereliction in registering and investigating complaints involving sexual offences. Its insistence that legal reform without attitudinal change within police institutions remains ineffective broadened the scope of reform beyond structural to cultural transformation. The Police Act Drafting Committee II (2015) synthesised these accumulated recommendations, proposing updated statutory blueprints incorporating specialised cybercrime and organised crime units, comprehensive human rights training, digital evidence management, and strengthened civilian oversight. Collectively, these committees have constructed a normative architecture that the judiciary has progressively translated into enforceable directions.

V. Landmark Judicial Decisions on Police Reform

A. D.K. Basu v. State of West Bengal (1997)

In *D.K. Basu v. State of West Bengal*, (1997)¹³⁶² SCC 416, the Supreme Court addressed the systemic problem of custodial violence – one that it characterised as a violation of Article 21¹³⁶³ in its most fundamental dimension. The Court issued eleven procedural safeguards governing arrest and detention: arresting officers must carry legible identification and prepare a contemporaneous arrest memo; the memo must be witnessed and a copy furnished to the arrestee's family within eight hours; the arrested person must undergo medical examination at arrest and periodically during detention; all arrests must be entered in a custody register and, where practicable, conducted under

¹³⁵⁹ Committee on Reforms of Criminal Justice System (Malimath Committee), Report (2003), Vol. I

¹³⁶⁰ Police Act Drafting Committee, Model Police Act (2006)

¹³⁶¹ Justice J.S. Verma Committee, Report on Amendments to Criminal Law (2013)

¹³⁶² *D.K. Basu v. State of West Bengal*, (1997) ¹³⁶² SCC 416

¹³⁶³ *Nandhini Satpathy v. P.L. Dani*

magisterial supervision; and officers violating these requirements are subject to departmental and criminal action. The D.K. Basu guidelines transformed abstract constitutional guarantees into concrete police duties, establishing an enforceable procedural floor for custodial treatment. Many of these safeguards have since been codified in the BNSS, 2023.

B. Prakash Singh v. Union of India (2006)

The Supreme Court's decision in *Prakash Singh v. Union of India*, (2006) 8 SCC 1, represents the high-water mark of judicial engagement with structural police reform.¹³⁶⁴ Noting that decades of committee recommendations had remained unimplemented, the Court issued seven binding directions under Articles 32 and 142: (i) each state must constitute a State Security Commission; (ii) the Director General of Police must enjoy a minimum two-year tenure; (iii) a Police Establishment Board must govern transfers and promotions of officers up to Superintendent of Police rank; (iv) independent Police Complaints Authorities must be established at state and district levels; (v) investigation and law-and-order functions must be separated at the district level; (vi) officers in key operational positions must have minimum tenure protection; and (vii) recruitment and promotion must be merit-based and transparent.¹³⁶⁵ These directions, the Court clarified, were interim measures operative until appropriate legislation was enacted, and they remain enforceable through periodic compliance monitoring by the Supreme Court and High Courts.

C. Other Significant Decisions

Several other decisions have shaped the jurisprudential landscape. In *Arnesh Kumar v. State of Bihar*, (2014)¹³⁶⁶ 8 SCC 273, the Court restricted the routine exercise of arrest powers, requiring documented reasons and the use of appearance notices where appropriate –

directly addressing the abuse of arrest authority as a form of coercion. In *Lalita Kumari v. Government of U.P.*, (2013) 2 SCC 1, the Court mandated compulsory registration of FIRs for cognizable offences, eliminating discretionary gatekeeping that had enabled selective and discriminatory law enforcement.¹³⁶⁷ *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378¹³⁶⁸, established humane custodial standards for women and children. *Joginder Kumar v. State of U.P.*, (1994) 4 SCC 260¹³⁶⁹, affirmed that arbitrary arrest violates Articles 14 and 21 and mandated procedural safeguards including access to legal counsel. Collectively, these decisions constitute a detailed judicial architecture of police accountability grounded in constitutional rights.

VI. Legislative Developments: The BNS and BNSS, 2023

The enactment of the *Bharatiya Nyaya Sanhita*, 2023 (BNS) and the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (BNSS) represents a significant, if partial, legislative response to decades of reform demands. The BNSS incorporates several procedural safeguards aligned with D.K. Basu and *Arnesh Kumar*. Section 35 restricts arrests to situations of genuine necessity, requires recorded reasons, and mandates prior supervisory authorisation for the arrest of elderly or infirm persons. Section 47 requires persons to be informed of the grounds of arrest and their right to bail. Sections 53 and 58 mandate medical examination and production before a magistrate within twenty-four hours respectively.¹³⁷⁰ Section 196 provides for magisterial inquiry into custodial deaths, broadening the earlier CrPC provision.¹³⁷¹

The BNS addresses police misconduct through criminal law. Section 115 (corresponding to IPC Section 166) penalises public servants who disobey the law to cause injury to any person. Section 116 (corresponding to Section 166A IPC) specifically penalises failure to register FIRs, with heightened emphasis on offences against

¹³⁶⁴ *Prakash Singh v. Union of India*

¹³⁶⁵ *Id.*, paras 29-31.

¹³⁶⁶ *Arnesh Kumar v. State of Bihar*, (2014)¹³⁶⁶ 8 SCC 273

¹³⁶⁷ *Lalita Kumari v. Government of U.P.*, (2013) 2 SCC 1

¹³⁶⁸ *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378

¹³⁶⁹ *Joginder Kumar v. State of U.P.*, (1994) 4 SCC 260

¹³⁷⁰ *Bharatiya Nagarik Suraksha Sanhita*, 2023, Sec.35,47,53,58

¹³⁷¹ *Bharatiya Nagarik Suraksha Sanhita*, 2023, Sec.196

women and children. Sections 129 and 130 criminalise voluntarily causing hurt or grievous hurt to extract confessions from suspects or witnesses.¹³⁷² These provisions constitute a meaningful statutory floor, though the persistence of custodial misconduct documented in the following section demonstrates that legislative reform, without institutional transformation and consistent enforcement, remains insufficient.

VII. Custodial Misconduct in Practice: Recent Incidents from Tamil Nadu

A. The Sivaganga Custodial Death (June 2025)

The death of Ajith Kumar, a twenty-seven-year-old temple guard, in Sivaganga district in June 2025 illustrates the devastating gap between legal mandates and operational reality. Taken into custody on suspicion of involvement in a jewellery theft case, Kumar was declared brought dead at a government hospital within twenty-four hours of arrest. Post-mortem findings documented multiple external and internal injuries consistent with severe physical assault in custody. Five police personnel were arrested and sent to judicial custody; the state government transferred the investigation to the Central Bureau of Investigation. The Madras High Court strongly criticised the conduct of the police, and the Chief Minister of Tamil Nadu publicly condemned custodial violence as unforgivable. The case revitalised calls for mandatory CCTV coverage of interrogation areas, fully functional Police Complaints Authorities, and systematic training in constitutional rights – requirements that existing law already mandates but implementation has failed to deliver.

B. RTI-Revealed Pattern in Tirunelveli (2023–2025)

An RTI disclosure covering the period from May 2023 to August 2025 revealed that at least two hundred and seventeen individuals arrested by

police in Tirunelveli district received treatment for injuries at a government hospital following custody. The majority were young adults.¹³⁷³ While police authorities contested the inference that injuries resulted from custodial violence, the data provides documentary evidence of a statistical pattern that warrants independent investigation. Civil liberties organisations have cited this disclosure to demand stronger monitoring, transparent custodial records, and adherence to D.K. Basu guidelines as operationalised through the BNSS. These incidents, taken together, demonstrate that the normative framework for custodial protection in India is substantially in place; what remains absent is consistent institutional will to enforce it.

VIII. Implementation Challenges and State Responses

Despite the Supreme Court's binding directions in Prakash Singh and subsequent monitoring orders, implementation of structural police reforms across Indian states has been markedly uneven. Three categories of obstacle can be identified.

First, entrenched political interest in retaining executive control over policing has led many states to enact formally compliant legislation that preserves substantive political dominance. State Security Commissions and Police Establishment Boards have been constituted with compositions and mandates that effectively neutralise their intended insulating function. In Maharashtra, legislative amendments ostensibly implementing Prakash Singh directions have been criticised for containing escape clauses that allow the political executive to override fixed tenure protections. Tamil Nadu has seen similar patterns, with oversight bodies reportedly lacking operational independence. The Court itself has observed in follow-up proceedings that formal compliance without substantive compliance defeats the constitutional purpose of its directions.

¹³⁷² Bharatiya Nagarik Suraksha Sanhita, 2023, Sec. 115, 116, 129, 130

¹³⁷³ RTI Disclosure Reported in regional media and civil liberties representations (2025)

Second, resource and capacity constraints impose genuine limitations on implementation. The separation of investigation from law-and-order duties requires additional trained personnel, dedicated infrastructure, and forensic capability – investments that many states have been unwilling or unable to make at adequate scale. Digital evidence management under the BNSS requires connectivity and technology infrastructure that remains inconsistently available. These practical constraints compound the structural problem: even where political will exists, administrative capacity may be insufficient for effective reform.

Third, the persistence of colonial-era legal frameworks – including continued reliance on provisions and institutional cultures derived from the 1861 Act – creates institutional inertia that resists overhaul. Police officers trained and socialised in a control-oriented institutional culture do not automatically adopt rights-respecting practices in response to legislative or judicial mandates. Attitudinal transformation requires sustained training, incentive restructuring, and leadership commitment – none of which can be achieved by litigation alone. The consequent implementation gap, more than two decades after Prakash Singh, remains the central challenge of Indian police reform.

IX. Subsequent Judicial Clarifications and Monitoring

The Supreme Court has responded to implementation failures through sustained monitoring rather than passive reliance on its 2006 directions. In *K.R. Shrinivas v. Union of India*, (2010) 9 SCC 232,¹³⁷⁴ the Court mandated periodic compliance reports from states on the establishment and functioning of SSCs, PEBs, and PCAs, treating the failure to submit such reports as a contempt issue. In subsequent follow-up hearings through the 2010s, the Court reaffirmed that State Human Rights Commissions and the National Human Rights Commission play indispensable monitoring roles in relation to

custodial violence and police excess – creating a dual accountability architecture comprising both judicial oversight and statutory human rights bodies.¹³⁷⁵

The Court has repeatedly emphasised that fixed tenures, merit-based promotion, and functional separation of investigation and law-and-order duties are non-negotiable elements of the Prakash Singh framework, not aspirational goals. It has directed High Courts to exercise periodic supervisory jurisdiction over police performance in sensitive districts, embedding judicial oversight into the routine governance of policing. This evolving jurisprudence treats police reform not as a completed legislative task but as a continuing constitutional project requiring active monitoring to remain effective.

X. Way Forward: Towards a Rights-Oriented, Accountable Police

The foregoing analysis suggests that sustainable police reform in India requires action on multiple simultaneous fronts. Legislative operationalisation of the BNS and BNSS must be accompanied by genuine state-level enactment of statutory equivalents to the Model Police Act – with SSCs, PCAs, and PEBs equipped with real powers, adequate resourcing, and composition genuinely insulated from executive dominance. Uniform adoption of separation of investigative and law-and-order functions, which the Padmanabhaiah and Soli Sorabjee committees identified as foundational to rights-protective policing, must be prioritised as a concrete administrative reform rather than a theoretical aspiration.

Mandatory human rights training – encompassing constitutional morality, gender justice, juvenile protection, and procedural safeguards – must be embedded in both initial training curricula and in-service professional development. Technology-driven accountability measures including mandatory CCTV coverage of all custodial spaces, digital arrest records, and online complaint portals can significantly reduce

¹³⁷⁴ *K.R. Shrinivas v. Union of India*, (2010) 9 SCC 232

¹³⁷⁵ Protection of Human Rights Acts, 1993 Act No.10 of 1993(India).

the opacity within which misconduct flourishes. Periodic independent audits of custodial facilities and compliance with D.K. Basu guidelines, conducted by State Human Rights Commissions with powers of surprise inspection, would translate existing legal obligations into effective deterrents.

Civil society participation and citizen feedback mechanisms are equally important. Police-community liaison committees, transparent grievance redressal systems, and public reporting on custodial incidents can rebuild the trust deficit that decades of authoritarian policing have created. The judiciary's role in this multi-dimensional project is to maintain active monitoring, to hold states accountable for substantive rather than merely formal compliance, and to develop its jurisprudence in response to emerging forms of police excess. The goal, as the Supreme Court has consistently affirmed, is a police force that functions as a guardian of the Constitution rather than an instrument of political or coercive authority.

XI. Conclusion

Police reform in India represents a sustained constitutional project at the intersection of fundamental rights, institutional design, and democratic governance. The colonial inheritance of the Police Act of 1861 created structural pathologies – political interference, custodial violence, and unaccountability – that successive expert committees from the NPC (1977) to the Police Act Drafting Committee II (2015) have diagnosed with remarkable consistency. The judiciary, particularly through D.K. Basu (1997) and Prakash Singh (2006), has translated the normative consensus of these committees into enforceable constitutional obligations, establishing procedural safeguards for custodial treatment and structural requirements for institutional autonomy. The BNS and BNSS, 2023 represent a meaningful, if incomplete, legislative consolidation of these standards.

Yet the evidence of custodial misconduct documented as recently as June 2025 in Tamil

Nadu, and the persistent implementation gaps two decades after Prakash Singh, demonstrate that legal reform alone is insufficient. The transformation of Indian policing from an instrument of colonial control into a rights-oriented, accountable public service demands political will to relinquish executive dominance, institutional investment in training and capacity, and a cultural shift within police organisations toward constitutional morality. These are ultimately political and administrative tasks, not judicial ones – though sustained judicial oversight remains indispensable to hold executive actors to their constitutional commitments. The promise of Prakash Singh will be fulfilled not when every state has enacted the right legislation, but when every person in police custody is treated with the dignity that the Constitution demands.

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