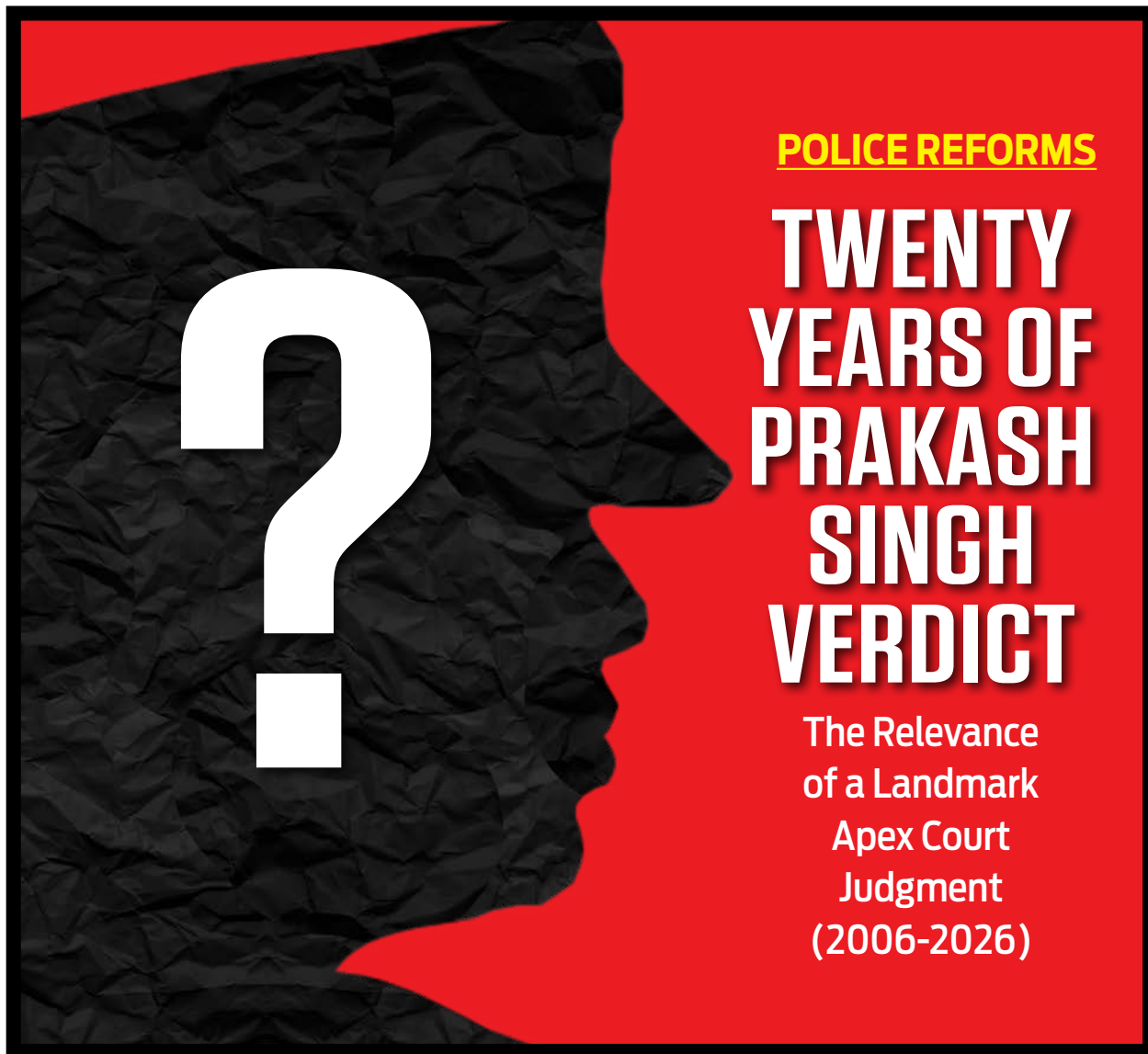


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20 Years of Prakash Singh Verdict	3	Police Complaints Authority	22
Police Reforms in India	4	The Gap Between Law & Practice Persists	27
Who Controls the Constable?	8	From Intent to Implementation	30
States of Compliance	14	Common Cause Case Updates	37
Common Cause Events	20		

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20 YEARS OF PRAKASH SINGH VERDICT

Why Is It a Building Block for Better Things?

Prakash Singh Vs Union of India is among India's most legendary judgments. It created quite a stir, and some euphoria, when it came in 2006. It was justifiably celebrated as the police reforms judgment. But optimism gradually gave way to cynicism when it was honoured more in the breach than in observance. The implementation by the states met with reluctance, defiance or half-hearted compliance.

Today, the milestone judgment stands as a bleak reflection on India's polity and governance. The long-running saga—from the filing of the PIL in 1996 to the judgment in 2006, to its botched implementation today—testifies why, the more things change, the more they stay the same, and why we must all be worried and alarmed. We, at Common Cause, believe that the citizens deserve better in the world's largest democracy and an emerging economic powerhouse. It reminds us that a systemic change would require more than a court order, perhaps a relentless fight at many levels.

But before we come to the nitty-gritties, let us recount what is so consequential in the judgment. First and foremost, it sought to make the police accountable to the Constitution. It highlighted that the police's commitment, devotion, and accountability must be solely to the rule of law and not to the rulers of the day. The order removed arbitrariness from key functions and bolstered investigation. It made the key appointments rule-based, tenured and multi-partisan, and provided for a police complaints authority at the state and district levels.

In the following pages, you will read more about the Apex Court's landmark directives and their compliance. The idea is to make sense of the big picture of what is lost and found, what must be non-negotiable, and what can still be salvaged through advocacy, public pressure and good sense. We have also tried to weave in global comparisons and India's own best practices.

The fight for police reforms is not just against government apathy and obstinacy, it is also against the cynicism of key stakeholders, particularly activists, politicians and former top cops. For instance, the activists feel that the verdict focused on shielding the police from politicians, and not on making them accountable to the law. The politicians feel that it undermines federalism and dilutes their power to hire and fire the police leadership. The police officers feel that it has complicated postings and promotions, and undermined the powers of the DGPs.

While the reasons may be valid, they do not merit pessimism. For instance, shielding police from political interference is a step towards police autonomy, a precondition for professionalism and accountability. The check on the unfettered executive powers balances the choice of incumbents against their eligibility and suitability. Nothing stops the stakeholders from improving things further and rooting for more systemic reforms.

We believe that police reforms must be treated as a continuous process. And that is why *Prakash Singh* must be seen not as another verdict but as a building block for better things to come. Proper police reforms in a democracy need a citizen-oriented ecosystem, with witness and whistleblower protection, grievance redressal, adherence to the conflict-of-interest principle and strengthening the RTI law. But before that, the 2006 verdict must be implemented in letter and spirit. It is long overdue.

As always, your feedback is awaited at contact@commoncause.in

Vipul Mudgal
Editor

POLICE REFORMS IN INDIA

Post Prakash Singh v. Union of India

Swapna Jha*

After Independence, India witnessed profound political, social, and economic transformations. The police were expected to be no longer just a colonial force to maintain order; they became central to delivering justice, safeguarding rights, and even enabling social change and economic growth. Yet the institution remained governed by the outdated Police Act of 1861, leaving it vulnerable to political interference, weak accountability mechanisms, arbitrary transfers, custodial violence, poor investigation standards, declining public trust and systemic abuse of power. This gap between the people's democratic aspirations and the police's colonial structure was at the heart of public mistrust.

Recognising this urgent need for reform, Prakash Singh, former Director General of Police (DGP), and N K Singh, along with Common Cause, filed a Public Interest Litigation in the Supreme Court (SC) in 1996. While the police veterans exposed the internal distortions of the force, Common Cause brought in the citizens' perspectives, showing how unchecked police power had led to custodial torture, arbitrary arrests, fabricated cases, and widespread denial of justice, especially for the poor and marginalised.

For Common Cause, this was not only about institutional efficiency but about restoring public faith in the rule of law. The petitioners relied extensively on the findings of previous commissions to recommend better policing mechanisms. Observing the gravity of the situation and the absence of legislative action, SC held that it could no longer wait for governments to act and was compelled to issue binding directions for immediate compliance.

The Court clarified that these directions would operate as law under Article 142 of the

“ ***The Supreme Court's judgment in Prakash Singh and Others v. Union of India and Others (2006) represents a historic intervention. The judgment, delivered on September 22, 2006, laid down seven binding directives aimed at initiating comprehensive police reform across the country.*** ”

Constitution until suitable legislation was enacted.

The SC's judgment in *Prakash Singh and Others v. Union of India and Others* (2006) thus represents a historic intervention. The judgment, delivered on September 22, 2006, laid down seven binding directives aimed at initiating comprehensive police reform across the country. These directions were to remain in force until appropriate legislation was enacted by the Central and State Governments.

Background to the Prakash Singh Case

The demand for police reform in India was not new. The National Police Commission (NPC) was constituted in 1977 to make a comprehensive review of the police system. The NPC submitted eight reports between February 1979 and May 1981. The first report was laid in the Lok Sabha on February 1, 1980. The remaining reports were released in March 1983 with the specific directive from the Central Government to all State Governments/ UT Administrations that these reports be examined quickly and appropriate action be taken. The Central Government took steps towards persuading the State Governments/UTs to implement

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the NPC's recommendations.

Since NPC, several committees and commissions, including the Ribeiro Committee, Padmanabhaiah Committee, and Malimath Committee, have studied the systemic failures of policing and proposed reforms. These bodies consistently identified political interference, lack of professionalism, absence of accountability, and outdated legal frameworks as core problems. However, their recommendations were largely ignored due to a lack of political will.

Structure and Philosophy of the Directives

The directions inter alia passed by the Court were:

1. Constitute a State Security Commission on any of the models recommended by the National Human Rights Commission (NHRC), the Ribeiro Committee or the Sorabjee Committee.
2. Select the Director General of Police (DGP) of the State from amongst three senior-most officers of the department empanelled for promotion to that rank by the Union Public Service Commission (UPSC), and provide him a minimum tenure of at least two years, irrespective of his date of superannuation.
3. Prescribe a minimum tenure of two years to the police

“ *The NPC dealt with a wide range of aspects of police functioning and submitted eight reports between February 1979 and May 1981. The first report was laid in the Lok Sabha on February 1, 1980.* ”

officers on operational duties.

4. Separate investigating police from law & order police, starting with towns/ urban areas having a population of ten lakhs or more, and gradually extend to smaller towns/urban areas,
5. Set up a Police Establishment Board at the State level to decide all transfers, postings, promotions and other service-related matters of officers of and below the rank of Deputy Superintendent of Police (DySP).
6. Constitute Police Complaints Authorities at the State and District level to look into complaints against police officers.
7. Set up a National Security Commission at the Union Level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and

placement of Chiefs of the Central Police Organisations (CPOs), who should also be given a minimum tenure of two years, with additional mandate to review from time-to-time measures to upgrade the effectiveness of these forces, improve the service conditions of its personnel, ensure there is proper coordination between them and that the forces are generally utilised for the purposes they were raised and make recommendations in that behalf.

These seven directives can be broadly divided into two categories:

- A. Measures to ensure functional and operational autonomy of the police.
- B. Measures to strengthen accountability and oversight mechanisms.

SC sought to strike a balance between autonomy and accountability, recognising that excessive political control undermines professionalism, while unchecked autonomy risks abuse of power.

A. Measures on Functional Autonomy

State Security Commission:

The first directive mandates the establishment of a State Security Commission (SSC) in every State to ensure that the State government does not exercise unwarranted influence

on the police. The SSC is tasked with laying down broad policy guidelines, evaluating police performance, and ensuring policing is conducted in accordance with constitutional norms.

SC required that the SSC's recommendations be binding on the State Government. It suggested that States could adopt models proposed by the NHRC, the Ribeiro Committee, or the Sorabjee Committee.

The Model Police Act, 2006, drafted by the Police Act Drafting Committee headed by Soli Sorabjee, provides the most comprehensive framework. It envisages a Commission chaired by the Chief Minister or Home Minister, with the DGP as ex-officio Secretary, and a majority of independent, non-political members, including a retired High Court judge and civil society representatives.

The Model Police Act also introduces systematic performance evaluation based on indicators such as operational efficiency, public satisfaction, victim satisfaction, accountability, and human rights compliance.

Appointment & Tenure of the Director General of Police:

The second directive concerns the appointment and tenure of the DGP. To prevent arbitrary appointments, the Court directed that the DGP be selected by the State Government from among the three senior-most IPS officers empanelled by the UPSC. The selection must be based on

length of service, a very good service record, and range of experience.

The DGP must have a minimum tenure of two years, irrespective of the date of superannuation. Removal is permitted only on specific grounds such as disciplinary proceedings, criminal conviction, corruption, or physical or mental incapacity. The Model Police Act further clarifies the criteria for assessing a "very good record," including appraisal reports, integrity, and service distinctions.

Minimum Tenure for Field Officers:

The third directive extends the principle of security of tenure to key operational officers, including the Inspector General of Police (IG) in charge of a zone, Deputy Inspector General of Police (DyIG) in charge of a range, Superintendent of Police (SP) in

“*Since the establishment of the NPC, several committees and commissions, including the Ribeiro Committee, Padmanabhaiah Committee, and Malimath Committee, have studied the systemic failures of policing and proposed reforms.*”

charge of a district, and Station House Officer (SHO) in charge of a police station. These officers are entitled to a minimum tenure of two years.

Premature transfers are allowed only in cases of disciplinary proceedings, criminal conviction, corruption, or incapacity. The Model Police Act allows limited additional grounds, such as gross inefficiency or serious misconduct, subject to written reasons and review by the Police Establishment Board.

Police Establishment Board:

The fourth directive mandates the creation of a Police Establishment Board (PEB) in each State, comprising the DGP and four senior-most police officers. Its purpose is to bring professionalism and transparency to decisions regarding transfers, postings, promotions, and service-related matters.

The Board has the authority to decide transfers and postings for officers up to the rank of DySP and to make recommendations for officers of higher ranks. It also functions as an appellate forum for senior officers aggrieved by service-related decisions. State Government interference is permitted only in exceptional cases with recorded reasons.

National Security Commission:

The fifth directive applies at the Union level and requires the establishment of a National Security Commission (NSC). It is tasked with preparing panels for the appointment of chiefs

of CPOs and ensuring them a minimum tenure of two years. It is also responsible for reviewing measures to improve effectiveness, coordination, and service conditions of these forces and ensuring they are used for their intended purposes.

B. Measures on Accountability

Police Complaints Authorities:

The sixth directive introduces an independent Police Complaints Authorities (PCA) at the State and District levels to inquire into allegations of serious police misconduct.

At the State level, the Authority is to be headed by a retired SC or High Court judge and will examine complaints against officers of the rank of SP and above. At the District level, the Authority is to be headed by a retired District Judge and will examine complaints against officers up to the rank of DySP.

These two authorities are empowered to inquire into cases involving custodial death, grievous hurt, rape, extortion, land grabbing, and serious abuse of authority. Their recommendations for departmental or criminal action are binding on the concerned authorities.

Separation of Investigation & Law and Order: The seventh directive mandates the separation of investigation and law-and-order functions of the police to improve the quality and

“ *In its order on January 11, 2007, the Supreme Court clarified that three directives—security of tenure for the DGP and field officers and the establishment of PEBs—were self-executory and required immediate compliance, while granting limited additional time for the remaining directives.* ”

speed of criminal investigations. SC directed that this should begin in urban areas with a population of one million or more and gradually be extended to smaller towns.

The Model Police Act provides a detailed framework for this separation, including the creation of Special Crime Investigation Units at police stations, District-level investigation cells, and a strengthened Criminal Investigation Department at the State level. Investigating officers are to be posted for fixed tenures and insulated from routine law-and-order duties.

State Responses & Supreme Court Monitoring

SC required compliance with the directives by December

31, 2006, and the filing of affidavits by January 3, 2007. State responses varied, ranging from partial compliance through executive orders to outright opposition. Several States sought extensions on the grounds that they were drafting new police legislation.

In a subsequent order, dated January 11, 2007, SC rejected all objections and reaffirmed that the directives were binding. It clarified that three directives—security of tenure for the DGP and field officers and the establishment of PEBs—were self-executory and required immediate compliance, while granting limited additional time for the remaining directives.

Conclusion

The Prakash Singh judgment, along with the Model Police Act, 2006, provides a comprehensive framework to transform the police from a colonial force into a democratic service oriented toward the protection of rights and the rule of law. It attempts to strike a balance between autonomy and accountability, professionalism and public oversight.

The judgment continues to serve as a constitutional benchmark against which police reform efforts are measured. The success of these reforms depends on genuine political commitment and faithful implementation rather than symbolic or cosmetic compliance.

WHO CONTROLS THE CONSTABLE?

Evaluating the Relevance of *Prakash Singh v. Union of India*

Divya Singh Chauhan*

It's late in the evening, and a complainant comes to a police station to file charges for an assault. The station house officer listens, asks a few questions, and then hesitates. The complaint is serious, but registering a formal complaint may attract attention from local political actors. A phone call is made. The complainant is asked to return the next day. Per se, nothing illegal has occurred, yet the outcome is decisive. Access to the criminal justice system has been deferred, perhaps indefinitely. Such episodes occur as a matter of routine. They are exercises of discretion, repeated daily across thousands of police stations.

For most citizens, the police station is the first and most consequential point of contact with the state. Decisions taken here determine when complaints are recorded, how arrests are made, and where force is used. These decisions shape public trust, perceptions of fairness, and the lived meaning of constitutional rights. Although often described as a matter of administration, the scale and impact of police discretion render policing a constitutional question.

It was precisely this everyday, arbitrary exercise of power that brought the Supreme Court to intervene in *Prakash Singh v. Union of India* (2006)¹. The Court recognised that police dysfunction was not merely a matter of individual misconduct but of institutional design. To address this, it laid down a set of structural directives: the creation of State Security Commissions (SSCs) to insulate policing from informal political control; fixed minimum tenures for senior officers; a transparent procedure for appointing Directors General of Police (DGPs); Police Establishment Boards (PEBs) to regulate transfers and service matters; separation of investigation from law and order functions; and independent Police Complaints Authorities (PCAs) at the State and district levels². Together, these measures sought to reconcile democratic oversight with professional autonomy.

Two decades later, the conditions that prompted this judicial intervention persist and, in several respects, have deepened. To understand if and how *Prakash Singh* judgment continues to matter, it is necessary to examine how police

power is organised, constrained, and directed on the ground.

Capacity Constraints

The authority exercised at the police station operates within a system marked by chronic shortages and overextension. Data from the Bureau of Police Research and Development show that state police forces have remained significantly understaffed for decades. As of January 2016, vacancies across state police forces stood at roughly 24%, amounting to more than five lakh unfilled posts. The actual police strength hovered around 137 personnel per lakh population, far below the United Nations' recommended standard of 222³.

Understaffing means that police personnel perform a wide range of functions beyond investigation and patrol. Court production duties, traffic management, election deployment, disaster response, and internal security assignments all draw from the same limited pool. Long working hours and personnel shortages, as documented by the Indian Police Journal, contribute directly to fatigue, low morale, and a greater likelihood of error or abuse⁴. In this environment, the

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discretion to delay, deflect, or selectively prioritise complaints becomes structurally embedded.

Crime data provides further context. National Crime Records Bureau (NCRB) statistics show that while crime rates per lakh population rose significantly after 2005, conviction rates remained modest. In 2015, convictions were secured in less than half of registered IPC cases⁵. The Law Commission has repeatedly linked low conviction rates to poor investigation quality, inadequate training, and a lack of forensic support⁶.

According to the 239th Law Commission report, *“Police are either hesitant to proceed with the investigation against important/influential persons or they are under pressure not to act swiftly, especially if the person accused is in power or an active member of the ruling party. They adopt a pusillanimous attitude when the accused are such persons. Corruption at the police station level is affecting the timely and qualitative investigation. Further, the Police Stations are understaffed, and the police personnel lack motivation to act without fear or favour”*.

Infrastructure deficits compound these problems, but they do not exist in isolation. Performance audits by the Comptroller and Auditor General (CAG) have consistently recorded shortages in weaponry, vehicles, housing, and communication equipment across states. In Rajasthan and

West Bengal, audits found shortages exceeding 70% in required modern weaponry, while vehicle shortages of around 30% were reported in several States⁷. These gaps persist despite the existence of centrally sponsored modernisation schemes, with States utilising only a fraction of allocated funds⁸.

However, the persistence of these deficiencies cannot be explained by resource scarcity alone. As the Supreme Court recognised in *Prakash Singh judgment*, the manner in which police leadership is appointed and retained has a direct bearing on planning horizons and institutional priorities⁹. Where senior appointments are *ad hoc* and tenure uncertain, procurement and training decisions are easily deferred or reshaped by short-term political considerations. The Court’s insistence on stable leadership and insulated decision-making

“ **Performance audits by the Comptroller and Auditor General (CAG) have consistently recorded shortages in weaponry, vehicles, housing, and communication equipment across states.** ”

was intended to create continuity that would allow infrastructure planning to extend beyond electoral cycles.

Political Interference

This brings the analysis to the question of political control. Under the constitutional scheme, police forces remain subject to the superintendence of the political executive. Democratic accountability requires such oversight. The difficulty arises when this authority is exercised through informal and personalised channels rather than transparent institutions. The Second Administrative Reforms Commission observed that political superintendence frequently operates through unwritten instructions, pressure on transfers, and influence over promotions¹⁰.

At the ground level, political control reshapes discretion. Officers learn to anticipate preferences. The SSCs envisaged in *Prakash Singh* reforms were meant to mediate this relationship by articulating policing policy and evaluating performance in an institutional forum rather than through private direction¹¹. Yet implementation has remained uneven, with several States either delaying their constitution or confining them to advisory roles¹².

Recent incidents illustrate the consequences of this vacuum. The Sambhal violence case

in Uttar Pradesh exposes the fragility of police accountability when it confronts administrative and political power. A judicial order directing the registration of a criminal case against police personnel, including senior officers, was issued specifically to scrutinise police conduct during the violence. This was followed by open refusal by the local police leadership to comply with the order and, soon after, the transfer and demotion of the magistrate who passed it. Although formally described as an administrative decision, the timing of the move has raised concerns about the use of service controls to deter scrutiny of police actions¹³. The episode demonstrates how police accountability is often weakened through administrative pressures rather than legal challenges.

Leadership instability further deepens this dynamic. The directive in *Prakash Singh* reforms requiring the selection of DGP through a transparent process from a panel prepared by the Union Public Service Commission (UPSC), along with an assured minimum tenure, has been routinely diluted¹⁴. The continued appointment of acting police chiefs for extended periods remains common practice. The recent Supreme Court proceedings concerning the prolonged officiating tenure of Gaurav Yadav as DGP of Punjab have brought renewed attention to how easily these safeguards can be bypassed¹⁵. The Court's criticism of the

“ ***At the ground level, political control reshapes discretion. Officers learn to anticipate preferences. The SSCs envisaged in Prakash Singh reforms were meant to mediate this relationship by articulating policing policy and evaluating performance in an institutional forum rather than through private direction*** ”

“acting DGP” culture and its decision to empower the UPSC to initiate contempt proceedings against non-compliant States highlight the fragility of tenure protections and the persistent gap between judicial directives and administrative practice.

Transfers operate as a parallel mechanism of control. Recognising their disciplinary power, the Court mandated minimum tenures for operational posts and the creation of PEBs to regulate service-related matters¹⁶. In practice, these boards often function under executive oversight, and transfer decisions continue to reflect informal considerations. The experience of IPS officer Sanjiv Bhatt is

frequently cited in this context. After providing testimony relating to the 2002 Gujarat riots, he faced repeated transfers and was later prosecuted and convicted in a custodial death case from 1990. Recent reporting marking his continued incarceration has revived debate on how administrative processes can signal institutional disapproval¹⁷.

These organisational signals also shape investigative outcomes. In most States, investigation and law & order functions remain combined at the station level. When public order demands intensify, investigative work is postponed, and witnesses remain inadequately protected. IndiaSpend has documented that over 7 lakh police cases are closed every year due to a lack of evidence, reflecting a systemic investigative failure rather than the absence of crime¹⁸. These outcomes are often attributed to individual failure, but they are better understood as the product of sustained institutional strain.

The expansion of more militarised forces to address high-profile security threats, alongside a persistent shortage of civil police for everyday crime, has contributed to declining public trust and sustained criticism of policing outcomes, including custodial violence and abuse¹⁹. Citizens experience these failures directly, but the strain is equally visible within the police itself. Research published in the *Indian Police Journal* indicates that a significant proportion

of traffic and operational personnel report high levels of occupational stress arising from role overload, long working hours, strenuous conditions, and political interference²⁰. Other studies show that sustained organisational stress impairs decision-making, increases absenteeism, and leads to long-term physical and mental health consequences for police personnel, thereby weakening their capacity to protect the public effectively.

In States where separation of functions has been attempted, including through pilot projects and specialised investigation units in States such as Kerala, official assessments have recorded improvements in case follow-up and victim engagement²¹. These limited experiments reinforce the Court's reasoning that institutional reorganisation is necessary to improve outcomes.

Accountability Deficits

Public trust in policing ultimately depends on credible mechanisms for holding the police accountable. The establishment of PCAs at the State and district levels was intended to provide independent oversight for allegations of serious misconduct²². Yet most States have either failed to establish these PCAs or have failed to fulfil their mandate. According to a 2023 report by the Commonwealth Human Rights Initiative (CHRI), the

implementation of PCAs as mandated by the Supreme Court in *Prakash Singh v. Union of India* remains limited and uneven.

Since the 2006 directive, 26 of the 28 States, excluding Uttar Pradesh and Bihar, and six of the eight Union Territories, excluding Jammu and Kashmir and Ladakh, have put in place a legal or policy framework for constituting State Police Complaints Authorities (SPCAs). However, of these, only 11 Authorities are operational on the ground, while three have been newly appointed and are yet to become fully functional. The remaining States and Union Territories have either failed to constitute SPCAs altogether, allowed them to become defunct due to delays in appointments, or have not made information about their functioning publicly available, including through responses under the Right to Information Act²³.

Even where SPCAs exist, their effectiveness is constrained by the small proportion of

“*The continued failure of PCAs has coincided with the persistence of custodial violence, underscoring the gap between formal safeguards and lived reality.*”

complaints admitted for inquiry. In Gujarat, fewer than two percent of complaints -- just 68 out of 3,502 received between January 2018 and December 2022 -- were admitted for inquiry. Between January 2018 and March 2023, Maharashtra admitted less than a quarter of the 4,515 complaints it recorded, while Kerala accepted only 45 per cent of complaints for inquiry during the same period. Since complaints are admitted only when Authorities determine that they fall within their mandate, these figures highlight how narrowly drawn jurisdictions leave a substantial volume of grievances against police personnel unexamined, reinforcing the need to review and expand the mandate of SPCAs²⁴.

The proportion of cases in which SPCAs have established misconduct and recommended action against police personnel remains even smaller. Despite receiving thousands of complaints, Delhi has recommended departmental action in only 17 cases to date. In Assam, the SPCA recommended action in 46 cases in 2018 and 15 cases in 2019, but this number fell to just 2 cases in 2021 and none in 2022.

The experience of Goa further illustrates these limitations. Over the past three years, the Goa SPCA has received an average of two complaints per month. Since April 2022, 74 complaints have been registered before

the Authority, which takes cognisance only of allegations of serious misconduct such as death, grievous hurt, or rape in police custody. Of the 198 complaints filed before the SPCA, 102 have been disposed of, while 96 remain pending. Of these, only eight complaints have been closed with reports following completed hearings. Together, these patterns underscore how the failure to operationalise and empower PCAs has hollowed out a central pillar of the Prakash Singh reform framework²⁵.

The continued failure of PCAs has coincided with the persistence of custodial violence, underscoring the gap between formal safeguards and lived reality. In September 2025, the Supreme Court initiated a suo motu public interest litigation after a Dainik Bhaskar report highlighted 11 custodial deaths within a span of eight months in Rajasthan, linking the incidents to the absence or non-functionality of CCTV cameras in police stations.

Similar concerns have been reflected in the interventions by the National Human Rights Commission (NHRC). In June 2025, the NHRC took suo motu cognisance of reports concerning the deaths of three prisoners in custody in Varanasi, Uttar Pradesh, and sought detailed reports from prison and police authorities, including post-mortem findings and magisterial enquiry reports²⁶.

“ **To finally answer the question — how relevant is the judgment after 20 years? In short, Prakash Singh v. Union of India remains deeply relevant but also institutionally unfinished.** ”

While such interventions remain crucial, they are dependent on external triggers, reinforcing the absence of routine, independent scrutiny within custodial institutions. The police’s recurring reliance on explanations such as missing or non-functional CCTV footage further highlights how enforcement failures persist even when judicial directions exist.

Cases such as the custodial deaths in Sathankulam, Tamil Nadu, which prompted national outrage and judicial intervention, reveal the limitations of addressing misconduct through individual prosecutions alone²⁷. They draw attention to the absence of robust, institutional oversight capable of preventing abuse rather than responding after the fact. It is this structural gap that gives Prakash Singh v. Union of India its continuing relevance: the judgment articulated a framework of institutional accountability, leadership stability, and

public oversight precisely to address routine exercises of custodial power that continue to shape citizens’ access to justice. However, the failure to implement these reforms has ensured that issues of control and accountability remain unresolved.

To finally answer the question — how relevant is the judgment after 20 years? In short, *Prakash Singh v. Union of India* remains deeply relevant but also institutionally unfinished.

The judgment correctly identified systemic police dysfunction and articulated a comprehensive architecture for police reform. The persistence of delayed FIRs, transfer-driven compliance, acting police chiefs, hollow PCAs, and recurring custodial violence only reinforces the accuracy of the Court’s diagnosis.

However, it underestimated the degree of political resistance to reform and the capacity of executive control to neutralise judicial directives through formal compliance and informal pressure. It also did not fully anticipate the expansion of coercive policing that has reshaped police power since 2006.

As a result, Prakash Singh today functions less as an enforceable reform programme and more as a constitutional benchmark, one against which the continuing failure to institutionalise police autonomy and accountability is measured.

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STATES OF COMPLIANCE

Analysing State-wise Compliance of the Judgement

Vinson Prakash*

Imagine a police officer who wants to do the right thing – refuses to file a false case, resists a minister’s call to let someone go, or investigates a crime that implicates a powerful politician. In most parts of India, that officer will be transferred within days, quietly reassigned to some distant post. The message is unmistakable: fall in line, or suffer.

This is not a new problem. In 1902, the Fraser Commission found the police to be corrupt, inefficient, and oppressive. The Dharma Vira Commission in 1977 noted that the public saw the police as politically partisan, partial, and corrupt. More than a century later, the same words keep appearing in people’s voices and newspaper headlines: Custodial torture and death; bribed officers; charges against politicians vanishing.

In 2006, the Supreme Court decided it had waited long enough. In the landmark case of *Prakash Singh vs. Union of India*, frustrated by decades of unfulfilled promises and ignored recommendations, the Court issued seven specific, binding directives to States and the Centre. These were Court orders, designed to insulate the police from political interference,

make them accountable to the public, and modernise how policing works in a constitutional democracy.

20 years later, Is anyone listening?

The short answer is: barely.

Not a single State or Union Territory is fully compliant across all seven directives (CHRI, 2021). Most States have done the bare minimum, such as setting up the required bodies on paper while quietly hollowing them out so that they can’t actually do anything.

This article walks through each directive, looks at what the states were asked to do, what was done, and what that means for ordinary people across the country.

Directive 1: State Security Commission

What’s the Court’s Intention?

One of the major issues plaguing the Indian police is that politicians can and routinely do interfere in how the police work – who gets posted where; which cases actually get investigated; who gets arrested and who doesn’t. The State Security Commission (SSC) was the Court’s answer to this: an independent body that would set broad policing policy, evaluate police performance, and hold the government accountable through an annual report placed before the State legislature. The Commission should include the Leader of the Opposition and several independent members selected through a transparent process.

Table 1: State Compliance Across all Seven Directives

Directive	Subject	Full Compliance
Directive 1	State Security Commission (SSC)	0 / 28
Directive 2	DGP Selection & Minimum Tenure	2 / 28
Directive 3	Minimum Tenure for Field Officers	7 / 28
Directive 4	Separation of Investigation & Law & Order	6 / 28
Directive 5	Police Establishment Board (PEB)	2 / 28
Directive 6	Police Complaints Authority (PCA)	1 / 28
Directive 7	National Security Commission (NSC)	0 / 1 (Centre)

* Research Executive at the Common Cause

What did States actually do?

Twenty-seven out of the 28 states have constituted the SSC on paper, with Odisha being the exception. But setting up the Commission is as far as most States have gone (CHRI, 2019). Full compliance requires five things: forming the SSC; including the Leader of the Opposition; having three or more independent members; making the SSC's recommendations binding on the government; and producing annual reports for the legislature. Karnataka is the only State that comes close, and even it is only partially compliant (CHRI, 2021).

Seven states – Assam, Bihar, Chhattisgarh, Gujarat, Punjab, Telangana, and Tripura – have not included the Leader of the Opposition in the SSC, which is the most basic requirement. Seventeen states have independent members but let the government pick them directly, without any independent selection process, defeating the entire purpose. Bihar, Goa, and Tamil Nadu don't include any independent members, making the SSC a purely governmental body (CHRI, 2021).

Most critically, Karnataka is the only State to have made the SSC's recommendations binding on the government. In the remaining 26 states, the SSC is just an advisory body, a talking shop that the government is free to ignore entirely. Its meetings are irregular, often no decisions

are taken, and when they are, they are not implemented owing to their non-binding status (CHRI, 2019).

What does this mean in practice? It means political interference continues unchecked. When governments can ignore the SSC, and even better, appoint their own patrons to head it, there is little to no hope for reforms from the SSC to ever see the light of day.

Directive 2: Selection and Tenure of the DGP

What's the Court's Intention?

The Director General of Police (DGP) is the most powerful officer in a state's police force. The Court wanted to break the government's chokehold over this appointment by requiring that the DGP be selected from among the three most senior eligible officers, as shortlisted by the UPSC, based on merit. Once appointed, the DGP must serve a minimum two-year tenure, and can only be removed early on specific, documented grounds, in consultation with the SSC.

What did States actually do?

Only two states – Arunachal Pradesh and Nagaland – are fully compliant. Tamil Nadu and Andhra Pradesh partially comply (they follow the shortlisting and tenure requirements, but not the removal process). That leaves 24 States non-compliant, with more than 20 of them bypassing both the UPSC shortlisting and

the guaranteed tenure altogether (CHRI, 2021).

What does this mean? By skipping the UPSC process, governments can handpick their preferred DGP. Without a protected tenure, they can remove the DGP on vague "administrative" or "public interest" grounds the moment that officer does not nod in agreement. A DGP who owes their position to political patronage is unlikely to refuse when that same politician calls to ask for a favour – a transfer here, a case dropped there, or a protest stomped down tomorrow.

The resulting instability at the top of the force has consequences all the way down the hierarchy. Leadership changes frequently, officers know the files that need to collect dust, and the partisan policing cycle perpetuates itself.

“ **Studies have consistently shown that frequent transfers damage police efficiency, erode community relationships built over time, destroy institutional knowledge of local crime patterns and devastate officer morale** ”

Directive 3: Minimum Tenure for Key Field Officers

What's the Court's Intention?

Arbitrary transfers are the most common weapon used against police officers who resist political pressure. An Inspector General (IG), Deputy Inspectors General (DIG), Superintendent of Police (SP), or a Station House Officer (SHO) who refuse to “fall in line” can find themselves transferred overnight to some far-off, inconsequential post. The Court mandated a minimum two-year tenure for these key field officers. Early removal is only permitted for disciplinary reasons, conviction, or incapacity.

What did States actually do?

Seven states – Andhra Pradesh, Arunachal Pradesh, Gujarat, Kerala, Madhya Pradesh, Mizoram, and Nagaland – are fully compliant, and 16 states provide for a minimum two-year tenure in law. But the directive requires both the tenure guarantee and adherence to the Court-prescribed removal procedure. Counting only States that do both, 21 States are still non-compliant (CHRI, 2021).

Studies have consistently shown that frequent transfers damage police efficiency, erode community relationships built over time, destroy institutional knowledge of local crime patterns and devastate officer morale (Sahni *et. al.*, n.d). Investigations stall, cases go cold, and the underlying message

“ *The most common ways States have gutted the PEB are: including government officials as members; stripping its power to actually decide transfers and postings; and refusing to let it function as an appeal body.* ”

to every officer watching is clear: doing your job well is less important than staying on the right side of the right people.

Directive 4: Separating Investigation From Law & Order

What's the Court's Intention?

Ask most police officers what their day looks like, and you will find they are doing two completely different jobs simultaneously: managing crowds, handling VIP security, and maintaining public order on one hand, and investigating crimes on the other. These roles require very different skills, mindsets, and time commitments. The Court directed States to separate these functions in urban areas with population over 10 lakhs, then gradually roll out the separation to smaller towns.

What did States actually do?

As of 2022, only six States – Tamil Nadu, Karnataka, Himachal Pradesh, Madhya Pradesh, Maharashtra, and Punjab – have reported full compliance. Six States report partial implementation, and seven others have accepted the guidelines in principle but taken no action (IJR 2022).

The main obstacle is one that States could fix if they chose to: chronic understaffing. India's actual police strength is over twenty percent, lower than the sanctioned strength (IJR, 2025). When a police station does not have enough officers to split into two teams, the directive becomes functionally impossible. A failure to implement this directive has potentially far-reaching consequences – low conviction rates, rushed investigations, and an overcrowded undertrial population in prisons. People who have not been convicted of anything wait years for a system that is stretched too thin to process their cases.

Directive 5: Police Establishment Board

What's the Court's Intention?

Transfers and postings are political currency in India. A government that controls where officers are posted controls what those officers will and won't do. The Police Establishment Board (PEB) was designed to take that control away from the politicians and hand it back

to the police. The PEB was to be chaired by the DGP and four other senior officers, and decide on all transfers, postings, and promotions for officers up to the rank of DySP, and make recommendations on the same for ranks above that. Government interference should happen only in exceptional cases, in writing, with stated reasons. The PEB also functions as an appeal forum for officers facing illegal orders or grievances with their promotions, transfers, or disciplinary proceedings.

What did States actually do?

All States except Telangana have established PEBs on paper, but only Arunachal Pradesh and Karnataka are fully compliant with the directive. Five more States – Andhra Pradesh, Jharkhand, Manipur, Madhya Pradesh, and Uttarakhand – follow most of the parameters but do not allow the PEB to function as an appeal forum. That leaves 20 states non-compliant (CHRI, 2021).

The most common ways States have gutted the PEB are: including government officials as members; stripping its power to actually decide transfers and postings; and refusing to let it function as an appeal body.

The compounding effect here is significant. If a State is also non-compliant with Directive 2, meaning the DGP was handpicked by politicians, then that DGP also sits atop a PEB that serves political interests. The entire chain of command,

from the DGP down, ends up beholden to whoever is in power. The Court's vision of a self-governing police administration becomes a polite fiction.

Directive 6: Police Complaints Authority

What's the Court's Intention?

If a police officer beats you in custody, extorts you, or abuses their authority – where do you go? For most Indians, the answer is: nowhere useful. Sure, one can say there are independent Human Rights Commissions at both the State and National levels. But when not one police officer since 2005 has been found guilty in over 500 cases of custodial deaths, doubts emerge over the independence and reliability of these commissions. Moreover, SHRCs, ever since their inception, have always been chronically underfunded, understaffed, and have depended on the police for investigations.

Moreover, filing a complaint with the police about the police has obvious problems. The Court mandated independent Police Complaints Authorities at both the State and district levels, empowered to investigate serious misconduct, including custodial death, grievous hurt, rape, extortion, and abuse of authority. Crucially, their recommendations were to be binding. They were to be headed by retired judges and staffed with independent members selected through a

transparent process.

What did States actually do?

Twenty-three States have established State-level PCAs, and 18 have district-level PCAs. Fifteen States have both. That sounds reasonable until you look at what these bodies actually look like. Himachal Pradesh and Odisha have simply assigned the job to the state Lokayukta, sidestepping the establishment of an independent, dedicated PCA (CHRI, 2021). Tamil Nadu's PCA is headed by the Home Secretary and includes serving police officers as members, creating the extraordinary situation of the accused investigating themselves.

Only seven States – Arunachal Pradesh, Haryana, Karnataka, Kerala, Nagaland, Sikkim, and Uttarakhand – have proper criteria for selecting independent members of the

“ ***A complaints authority dominated by the government and serving police officers, no independent investigation, and no binding recommendations is the perfect recipe for a no-accountability mechanism.*** ”

state PCA. Everywhere else, the “independent” members are either ex officio government officials or directly appointed by the State government (CHRI, 2021).

At the district level, 11 States deviate from the requirement of a retired district judge heading the authority. Eight States have serving police officers as members of the body meant to investigate police misconduct. Gujarat, Kerala, and Tamil Nadu don't include any civil society representative at all. Only Haryana and Tamil Nadu provide for independent investigators to assist the PCA in actually conducting inquiries (CHRI, 2021).

A complaints authority dominated by the government and serving police officers, no independent investigation, and no binding recommendations is the perfect recipe for a no-accountability mechanism. It is a way for perpetrators to manage complaints about themselves. This is perhaps the most troubling area of non-compliance because it directly affects the people who have been abused by the State and have no recourse.

Directive 7: National Security Commission

What's the Court's Intention?

This directive was aimed at the Centre rather than the States. The Court directed the establishment of a National

Security Commission to recommend appointments for the heads of central police organisations – the CBI, NIA, and others – and to serve as an evaluative body to improve the effectiveness of these organisations. It was to be chaired by the Union Home Minister, with the Home Secretary as its secretary, and include heads of central police organisations and security experts.

What did States actually do?

On January 3, 2018, the Minister of State for Home Affairs disclosed in the Rajya Sabha that a body called the Committee on National Security and Central Police Personnel Welfare (CNS & CPPW) had been constituted in January 2017 to handle recommendations for DG-level appointments at the Centre. That's all the information publicly available. The

“ *The Prakash Singh judgment was not asking States to do anything radical. The resistance to even these basic reforms, sustained over 20 years of binding court orders, tells you everything about the political incentives at play.* ”

committee does not appear in any official listing of commissions or committees under the Ministry of Home Affairs. There is no publicly available information on its composition, functions, meetings, or any decisions it has taken.

Meanwhile, Directors of central police organisations like the CBI have been appointed as acting chiefs or have served tenures of less than two years – exactly what the directive was meant to prevent. The combination of opacity and non-compliance with the tenure requirement strongly suggests the CNS & CPPW exists only on paper, and the Central government has been no more compliant with this directive than the States it was meant to oversee.

Sweeping Under the Rug

Looking across all seven directives, one pattern is impossible to miss: at every level of government, the response to these reforms has been the same. Create the body, give it a name and a letterhead. Then quietly strip it of power, pack it with loyalists, and go back to business as usual.

States have not failed to comply because the reforms are technically difficult or administratively complex. The CHRI and other organisations have published detailed model laws and implementation guides. The *what* is not the problem. The problem is the *why* – and the *why* is simple: political control

over the police is too valuable to give up.

Transfers, postings, appointments, and oversight are not just administrative mechanisms. In the hands of State governments, they are instruments of power. They reward loyalty, punish independence, and ensure the police remain responsive to whoever is in government rather than to the law or the public.

The Prakash Singh judgment was not asking States to do anything

radical. It was asking them to implement recommendations that multiple commissions had been making since 1902. The resistance to even these basic reforms, sustained over 20 years of binding court orders, tells you everything about the political incentives at play.

The cost of this choice is borne by ordinary people – the citizen who files an FIR that goes nowhere; the undertrial who spends years in prison waiting for a trial that a better-

resourced system would have concluded long ago; the person who died in custody and whose family cannot find a complaints authority that will actually investigate. Until governments at both levels genuinely commit to these reforms, rather than building elaborate facades of compliance that protect no one, the institution will remain unchanged. And people across this country will continue to fear the police rather than feel protected by them.

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COMMON CAUSE EVENTS

Discussion on Legal Remedies Addressing Racism in India

On February 28, 2026, Divya Chauhan participated in an X (Twitter) Forum discussion organised by Yawol Chanura. Divya was a guest speaker alongside Dr Junmoni Devi Khaund, a Northeastern film producer and lawyer, and Elizabeth Khumallambam, National Coordinator of National Platform for Domestic Workers (NPDW). The open forum discussion focused on the issue of racism in India, particularly in light of recent incidents of racial abuse reported in Malviya Nagar, Delhi. The conversation explored the legal framework addressing racism, remedies available in cases of racial abuse, actionable steps for victims, and the broader

socio-cultural question of why people from Northeast India are often perceived as “others” in mainland India.

Workshop on Police Torture and Accountability

On 23 February, the Criminal Justice Clinic, O.P. Jindal Global University (JGU) hosted Ms Radhika Jha from Common Cause India for a detailed and engaging session on the *Status of Policing in India Report 2025: Police Torture and (Un)Accountability*. During the discussion, Ms Jha guided students through the report’s key findings, highlighting concerns around custodial deaths, gaps in accountability, and the urgent need for policing reforms grounded in rights and evidence. The session prompted thoughtful

reflection on institutional responsibility and the role of law in upholding constitutional safeguards. Students participated actively throughout and described the discussion as both insightful and intellectually stimulating.

The Impact of Election Commissioners’ Appointments on Electoral Credibility

On 10 March 2026, the Association for Democratic Reforms (ADR) and National Election Watch (NEW) convened a high-level Stakeholder Discussion on Electoral and Political Reforms at the India International Centre, New Delhi. Bringing together former constitutional authorities, parliamentarians, jurists, civil society actors, academics, journalists, and students, the programme created an important forum for deliberating on institutional reforms critical to India’s democratic health.

While the broader consultation engaged with multiple aspects of electoral reform, the discussions were anchored around the session on “The Impact of Election Commissioners’ Appointment Procedures on Electoral Credibility”, chaired by Dr Vipul Mudgal, Director



Radhika Jha with the students at Criminal Justice Clinic at Jindal Global Law School



Left to Right: On the dais, Dr Vipul Mudgal, Justice Madan Lokur, Former EC Ashok Lavasa, Sasikanth Senthil (Member of Parliament), and Social Activist Anjali Bhardwaj

Common Cause, Trustee of ADR and NEW. Drawing upon the long-standing advocacy of Common Cause for transparency and accountability, this session foregrounded the appointment process of the Election Commissioners as a core determinant of public trust in electoral institutions.

The panel, comprising Justice Madan B. Lokur, former Supreme Court Judge; Ashok Lavasa, former Election Commissioner of India; Sasikanth Senthil, Member of Parliament; and Anjali Bhardwaj, social activist, examined how opaque and executive-dominated selection processes risk weakening the perceived independence of the Election Commission. Speakers repeatedly underlined that electoral credibility does not rest solely on procedures on polling day, but on the integrity of institutions tasked with overseeing the entire electoral cycle.

National Consultation on Prison Overcrowding and Reforms

On February 10, 2026, India Justice Report (IJR) and Prayas, a field action project of TISS, jointly organised a National Consultation with civil society organisations on prison overcrowding and reforms at the

Prof. Armaity Desai Conference Hall, TISS Mumbai Campus. The consultation brought together over 30 civil society organisations and actors from across the country, including Common Cause among others.

Ms Maja Daruwalla, Chief Editor of IJR, opened the consultation by setting the context and emphasising the importance of approaching prison reforms as a collective and collaborative exercise. This was followed by a presentation by Ms Madhurima Dhanuka and her colleagues from IJR, who shared data highlighting the on-ground realities of prisons in India and the scale of the challenges posed by overcrowding. Radhika Jha, project lead, Rule of Law, and one of the authors of India Justice Report, attended the event and provided her valuable inputs on the subject matter at hand.



A session on overcrowding of prisons in India

POLICE COMPLAINTS AUTHORITY

A Reality Check for Building Accountability

*Mohd Asif

September 2026 will mark the twentieth anniversary of the Prakash Singh Judgment. It was a battle that lingered for ten years in the Supreme Court (SC) for improving and modernising the Indian Police to fulfil the emerging needs of the world's largest democracy. The Apex Court laid out seven directives, which have been discussed in the earlier write-ups of this issue. One of them was to establish Police Complaint Authorities (PCAs) in all States.

It is well-established that most police personnel retain prejudices inherited from their society. The Status of Policing in India Report (2025) on 'Police Torture and (Un)Accountability' corroborates that their actions could be driven by their biases against minorities, Dalits, tribals and other vulnerable sections. More than a third of all police personnel surveyed in the report believe that these sections of people are naturally prone to committing crimes. A PCA thus becomes important in making the police responsible and accountable so that they conduct their operations within democratic and constitutional boundaries.

However, the idea of a PCA is largely confined to the statutes. Most of the States have not implemented it in the letter and spirit of the SC judgment. A study by the Commonwealth Human Rights Initiative (CHRI), collected data through RTI applications and published the findings in 2023. In this article, we will discuss the salient features of the study to understand the extent to which the PCAs have succeeded in India.

Composition and Selection

As per SC's directives, the PCAs should comprise 3-5 members and be headed by a chairperson at both the State and the district levels. The chairperson must be a retired SC or HC judge for State PCAs (SPCAs) and a retired District Judge for District PCAs (DPCAs). A panel of names for the bodies must be proposed by the Chief Justice of the High Court or a Judge nominated by him/her.

Investigation Jurisdiction

The mandate allows SPCAs to inquire into complaints against officers of the rank of SP and above, whereas the DPCAs can inquire into complaints against

officers of the rank of DSP and below. The PCAs can investigate only allegations of serious misconduct, such as allegations and incidents involving death, grievous hurt or rape in police custody. In the case of DPCAs, it expands to the allegations of extortion, land/house grabbing or any incident involving serious abuse of authority. The mandate was expanded further to include other forms of abuse and misconduct after the Model Police Bill 2015 was prepared. The improved mandates expanded the jurisdiction of

“ ***It is well-established that most police personnel retain prejudices inherited from their society. The Status of Policing in India Report (2025) on 'Police Torture and (Un)Accountability' corroborates that their actions could be driven by their biases against minorities, Dalits, tribals and other vulnerable sections.*** ”

* Research Executive at Common Cause

death or grievous hurt other than in police custody and added molestation or any other offence against a woman during the investigation.

Implementation Across the States

As per the CHRI report, only 26 States have the legal and policy framework that requires to constitute police complaints authorities and only 17 out of 26 have PCAs at both the State and district levels. While 17 States have done so by introducing new police legislations or by amending existing laws, nine States have relied on executive orders. The CHRI report finds some of the glaring issues in the functioning of the police complaint authorities. The SPCAs have suffered prolonged vacancies and delayed appointments.

The Main Findings of the CHRI Report¹

The CHRI report, prepared by Aditi Pradhan and Devyani Srivastava and edited by Venkatesh Nayak, concludes that the PCAs are yet to have any measurable impact on police accountability. It says the State governments have shown little or no will to establish authorities that are equipped to function impartially and effectively. Long periods of vacancies, delayed appointments and dominance of the political executive are also common.

It is disconcerting that the States

where SPCAs have been able to function with some semblance of independence, governments are taking measures to curtail their powers. SPCAs have been reluctant to take suo motu cognisance of reported police misconduct or ensure timely completion of inquiries, calling into question their relevance and credibility.

An edited summary of the main findings is as follows:

1. PCAs are operational in less than half the States. Since the SC directive in 2006, only 26 States (except UP and Bihar), and six UTs (except J&K and Ladakh), have put in place a legal and/or a policy framework for setting up SPCAs. Out of these, only 11 PCAs are operational on the ground, while three are yet to become fully operational.
2. At least nine States/UTs have serving government or police officials as members of PCAs, which is in direct violation of the SC directive.
3. Only two SPCAs—in Rajasthan and Delhi—have civil society representation despite the requirement to include at least 3-5 independent members, including from civil society. But in Rajasthan, the civil society members are known to have political affiliations.
4. In several States, the mandate of the SPCAs has been diluted or narrowly defined. The State police laws, under which PCAs are established, have diluted the definition of ‘serious misconduct’—by excluding serious charges like arrest or detention without due process, forceful deprivation of rightful property, blackmail or extortion, etc—thereby limiting the jurisdictional powers of the PCAs in checking police illegalities.
5. Delays in appointments and long periods of vacancies, particularly of the Chairperson’s post, are common across States. Only four PCAs—in Assam, Kerala, Tripura and Uttarakhand—have been active since 2008 and have had regular appointments. SPCAs in Andhra Pradesh, Arunachal Pradesh and Rajasthan were constituted as recently as 2023.
6. Only half of the operational SPCAs have adopted Rules of Procedures to govern their functioning. Many States are yet to develop and/or publish their rules.
7. A high number of public complaints received against police personnel testify that the PCAs have become a forum people feel comfortable to approach. Delhi PCA has received the highest number of complaints (over 2,000 per

year) while Maharashtra and Kerala are distant second with an average of 600-700 per year from 2018 and 2022.

8. A small percentage of complaints are admitted for inquiry by the Authorities. While Gujarat accepted less than 2 per cent (just 68 out of 3,502), Maharashtra admitted less than a quarter (1,102 of the 4,515). During the same period, Kerala accepted only 45 per cent of the total complaints for inquiry.
9. Limited use of suo motu powers to initiate inquiries into reported instances of police misconduct have restricted PCAs to rely only on public complaints. Assam and Maharashtra are the only Authorities to have initiated suo motu inquiries.
10. There are very few referrals by State institutions. Assam, Maharashtra and Haryana are the only States to report on complaints referred to SPCAs from other authorities in the State.
11. Where information with classification is available (Assam, Haryana, Tripura), the largest number of complaints belonged to the category of “police inaction” and “non-registration of FIR”.
12. High case pendency and inquiries lasting several years

are a common occurrence, despite a declining number of complaints in several SPCAs. Between 2018 and 2022, the pendency rate went up from less than 1 per cent in 2018 to 54 per cent in Maharashtra and from 2 per cent to 45 per cent in Kerala.

13. The PCAs recommended action against police personnel in very few complaints. Despite receiving thousands of public complaints, Delhi has recommended departmental action in just 17 cases thus far. Assam SPCA recommended action in 46 cases in 2018, 15 in 2019, just two in 2021, and none in 2022.
14. A major gap in the accountability process remains the poor response from the State Government as well as the State police leadership in terms of acting on the Authorities’ recommendations.

“ ***Given the difficulties in holding the police to account for misconduct, the role and mandate of the SPCAs needs to be strengthened in line with the Model Police Bill 2015.*** ”

15. The SPCAs are mostly utilising their sanctioned budgets. However, their funds are mainly allocated for salaries/wages/allowances and other office expenditure.
16. Only a few SPCAs publish annual reports. Assam, Delhi, Karnataka, Tripura and Uttarakhand Authorities stand out for preparing and publishing annual reports.
17. Separate investigation cell is constituted in very few SPCAs (Assam and Tripura the only exceptions). Having a dedicated team of investigators is crucial to prevent the PCAs’ dependence on the police departments to conduct inquiries.

Implications and Recommendations

18. The limitations, challenges as well as the potential of PCAs highlighted in this report throw up several policy implications--that dedicated and localised police oversight bodies, such as the PCAs, are needed as is evident by the number of complaints the operational authorities have been receiving. But PCAs at present are not serving the purpose. Their structure, mandate and powers need to be enhanced if they are to emerge as an effective remedy for

police misconduct and wrongdoings.

Edited excerpts of the CHRI's recommendations are as follows:

For State Governments

19. Establish PCAs at the State, divisional and/or district level.
20. Adopt the standards and criteria for membership laid down in the Model Police Bill, 2015, to reflect a balanced composition while establishing and/or strengthening existing PCAs.
21. Provide an investigation wing to the SPCAs to assist in conducting inquiries in an impartial manner and without extraneous pressure from the executive and put an end to the practice of the police department itself conducting enquiries.
22. Existing vacancies must be filled without delay. The absence of chairperson/ members restricts PCAs' functioning; while they continue receiving complaints, no action of consequence is taken, thus increasing pendency and future workload.
23. Given the difficulties in holding the police to account for misconduct, SPCAs' role and mandate needs to be strengthened in line with the Model Police Bill 2015. In addition

“ *SPCAs must specify a clear timeframe for completing inquiries, preferably no later than 90 days from the receipt of complaint, as specified in the Model Police Bill, 2015.* ”

to inquiring into serious misconduct, SPCAs should be empowered to take suo motu notice of police misconduct; monitor the progress of departmental inquiries and/or criminal investigation on complaints of misconduct; inspect any police station, or any other place of detention used by the police; advise the Government on measures to ensure protection of witnesses, victims and families and recommend payment of monetary compensation to victims of alleged misconduct.

24. Where SPCAs' inquiries establish police misconduct, their recommendations of initiating a departmental inquiry or criminal proceedings by registering an FIR against the concerned officials must be made binding on the State police department.

25. All PCAs must be encouraged to prepare detailed annual reports with information on the Authorities' functioning as well as the volume, type and status of complaints received and the manner of their disposal. The State governments must table them in the State Legislature.

26. Where SPCAs have been operational for more than five years, a performance and compliance audit is necessary to evaluate their activities and budget. The findings can help identify ways in which the Authorities can better meet their objectives.

For Police Complaints Authorities

27. All SPCAs must develop rules of procedure to govern their and DPCAs' functioning within the State. In formulating rules of procedure, States must ensure the rights of the complainant as listed in the Model Police Bill, 2015, are protected.
28. SPCAs must specify a clear timeframe for completing inquiries, preferably no later than 90 days from the receipt of complaint, as specified in the Model Police Bill, 2015. States must further consider that any complaint concerning

the life or liberty of any person shall be attended to immediately, and within 24 hours of the receipt of the complaint.

29. To inspire public confidence, each SPCA must maintain an updated website that provides clear information in English and the official language(s) of the State about the Authority's functions, Chairperson, Members, contact details and procedure for filing complaints.

For the Police Department

30. Prioritise action on PCAs' recommendations, including ensuring timely departmental inquiries against the personnel concerned, providing regular updates on action taken to the PCAs, reviewing patterns of misconduct and strengthening departmental processes, procedures and training for all personnel.
31. Ensure that up-to-date information about the SPCAs and DPCAs is made available in English and

in the official language(s) of the State; publicise it through social media and the State police websites and disseminate through State institutions such as the Human Rights Commissions and the State/District Legal Services Authorities.

For Civil Society

32. Encourage the use of the PCAs whenever necessary to bring to light police misconduct and push for accountability.
33. Spread awareness about the role, mandate and functioning of the Authority and support victims in filing complaints.
34. Raise with the State Governments the issue of timely appointments to the Authorities in line with SC directive and prevent attempts at limiting their mandate.
35. Facilitate cross learning and sharing of practices that demonstrate the ability and intent of the Authorities in pushing for accountability.

Conclusion

The primary objective of establishing PCAs was to enhance the accountability of the police. However, the CHRI Report 2023 raises doubts about the will of the State governments and police officials to implement the SC order. Police accountability is the most important component of police reforms, and the Prakash Singh judgment is an important milestone in that path. Alok Prasanna Kumar, a co-founder of the Vidhi Centre for Legal Policy, says these reforms will take "a generation to undertake and implement fully"² while calling upon all stakeholders to at least make a serious beginning now. It must be remembered that the PCAs are a legal requirement, and their non-implementation is a contempt of the Apex Court.

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FOLLOW-UP AND THE LEGAL STATUS TODAY

The Gap Between Law & Practice Persists

Swapna Jha*

The Supreme Court's decision in *Prakash Singh & Ors. v. Union of India & Ors. (2006)* laid down seven binding structural directives, but the true constitutional significance of the case lies in its follow-up phase and continuing legal force. Nearly two decades later, the implementation follow-up reveals partial compliance, legislative dilution, judicial monitoring, and persistent structural challenges.

On the directions of the Court regarding implementation of the recommendations of the National Police Commission (NPC), the Government had, on May 25, 1998, constituted a committee under the chairmanship of J.F. Ribeiro, IPS (Retd.). The Ribeiro Committee submitted two reports, which were filed in the Supreme Court (SC) in 1998 and 1999, respectively. It endorsed NPC's recommendations with certain modifications. The case came up for hearing on February 10, 2005, and the Court directed the Union of India and respective State governments, including the National Human Rights Commission (NHRC), to file their responses on the Committee's recommendations.

In January 2000, the Government set up another committee under the chairmanship of K.

Padmanabhaiah, former Union Home Secretary, to suggest structural changes in the police to meet the challenges in the new millennium. The Committee submitted its report on August 30, 2000. Out of 240 recommendations of the Committee, 23 recommendations were not accepted. As many as 154 recommendations pertaining to recruitment, training, reservation of posts, involvement of public in crime prevention, recruitment of police personnel, delegation of powers to lower ranks in police, revival of beat system, use of traditional village functional village functionaries, police patrolling on national and state highways, designs of the police stations, posting and transfer of SP and above, etc., were deemed to be implemented

“**Post 2006, more than 20 States enacted new Police Acts claiming compliance with the Prakash Singh judgment. However, several of these statutes diluted the Supreme Court's framework.**”

without any structural changes.

In November 2000, another committee was set up under the chairmanship of Dr. (Justice) V.S. Malimath, a former Chief Justice of the Karnataka and Kerala High Courts, to recommend measures for revamping the Criminal Justice System. The Malimath Committee submitted its report in April 2003. It gave 158 recommendations on strengthening of training infrastructure, forensic science laboratory and Finger Print Bureau, enactment of new Police Act, setting up of Central Law Enforcement agency to take care of federal crimes, separation of investigation wing from the law and order wing in the police stations, improvement in investigation by creating more posts, establishment of the State Security Commission, etc.

In September 2005, the Ministry of Home Affairs constituted an expert committee chaired by former Attorney General of India Soli Sorabjee, to draft a new Model Police Act to replace the outdated Police Act of 1861.

On October 30, 2006, the Committee submitted the draft Model Police Act recommending the following:

- **State Police Board:** Formation of a board to guide policy,

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manage performance, and select the Director General of Police (DGP).

- **Fixed Tenure:** Guaranteed minimum tenure for the DGP and other key police functionaries.
- **Separation of Functions:** Separation of investigation from law and order maintenance.
- **Police Accountability:** Setting up independent mechanisms (State/District Complaints Authorities) to address police misconduct.
- **Community Policing:** Incorporating mechanisms for community participation and sensitivity toward weaker sections.

On October 31, 2006, the Centre forwarded the recommendations to the State governments, requesting them to enact new police legislation based on this draft.

On May 16, 2008, a committee under the chairmanship of Justice K.T. Thomas, former retired SC Judge, and two other members, was constituted to investigate the status of compliance by different States with the Court's order. The Committee, in its report submitted to the Court in 2010, was "dismayed" by the indifference shown by various State governments on compliance with the Court's directions. The report was forwarded to States/ Union Territories (UTs).

Another committee headed by Justice J.S. Verma was appointed

after the Nirbhaya incident to suggest amendments in law to ensure the safety of women. The report clearly said that unless the police were reformed, women's security would remain a pipedream. The report, 28 pages of which were solely devoted to police reforms, stated that systemic reforms in the police force would lead to improvement of the environment in general and women's issues in particular.

Continuing Mandamus and Supervisory Jurisdiction

Instead of disposing off the matter in 2006 post the judgment, SC retained jurisdiction through continuing mandamus. States and UTs were required to submit compliance affidavits. The Court invoked Articles 32, 141 and 142 of the Constitution to ensure that its directions would operate as binding law until appropriate legislation consistent with constitutional principles was enacted.

Early Compliance, New Police Acts & Structural Resistance (2007–2012)

More than 20 States enacted new Police Acts claiming compliance with the Prakash Singh judgment. Most States issued executive notifications establishing State Security Commissions (SSC), Police Establishment Boards (PEB), and Police Complaints

Authorities (PCA). However, several of these statutes diluted the SC's framework. Empirical assessments by the Commonwealth Human Rights Initiative revealed systemic dilution.

SSCs were deprived of binding powers, fixed tenure provisions were riddled with exceptions, PCAs lacked investigative independence, and the separation of investigation from law and order was implemented only partially. Moreover, many of these measures were largely formal. Independent members were often not appointed properly. SSCs' recommendations were made advisory rather than binding. Fixed tenure provisions for DGPs and other officers were diluted by broad exceptions such as "administrative exigency".

Supreme Court on Compliance

In its order dated September 23, 2013, SC expressed dissatisfaction with compliance levels. It clarified that States could not defeat the spirit of the 2006 judgment through cosmetic legislative changes. It reiterated that the directives were binding under Article 141 and that State legislation inconsistent with them would remain vulnerable to challenge.

In its 2018 order, SC reiterated that police reforms were integral to the protection of Article 21. It clarified the composition and functions of SSCs, PEBs, and PCAs. It rejected federalism-

based arguments, holding that constitutional supremacy overrides administrative convenience. The Court again intervened to clarify the process of appointment of DGPs. It directed States to send proposals to the UPSC well in advance and reaffirmed the two-year minimum tenure rule, irrespective of superannuation date. It also emphasised the proper constitution and functioning of PCAs at the State and district levels.

The lackadaisical attitude of the States can be deduced from the fact that even after two decades of the judgment, the Court, on February 12, 2026, had to order the States to discontinue the practice of appointing acting DGPs, instead of regular appointments based on the panel of officers suggested by the UPSC. Several States, including Uttar Pradesh, Tamil Nadu, Punjab, Telangana, Jharkhand, and West Bengal, came under scrutiny for this. SC, in its order earlier this month, came down heavily on the States that bypassed established norms and, instead, allowed officers to continue as acting chiefs for extended periods—in some cases, even for years. The Court also directed the UPSC to take proactive steps to prevent delays in determining panels of eligible officers for States to choose the DGP, following due process.

The States argued that police being a State subject under Entry 2 of List II of the Seventh

Schedule, judicial directions interfered with legislative competence. SC rejected the argument, holding that enforcement of fundamental rights under Article 21 justified judicial intervention where prolonged executive inaction existed.

At the Union level, compliance has been relatively better. The NSC was constituted, and guidelines were framed for the appointments of chiefs of the central armed police forces. However, concerns persist regarding executive influence on appointments and premature transfers.

High Courts across India have relied on the Prakash Singh framework in cases involving arbitrary transfers and police accountability. The two-year tenure principle has been invoked in service jurisprudence, strengthening the continuing authority of the judgment.

Despite limited implementation, the judgment has transformed the discourse on police reforms. Police independence is now recognised as a constitutional requirement rather than a policy option. The directives serve as a benchmark against which legislative and administrative measures are evaluated.

Present Legal Status & Continuing Challenges

The seven directives continue to operate as binding law under Article 141. In States where

compliant legislation is absent, the 2006 directives apply directly. Even where new Police Acts exist, provisions inconsistent with SC's directions may be struck down if challenged. The judgment thus retains continuing legal force.

Despite incomplete implementation, the judgment has reshaped constitutional discourse. Police autonomy is now framed as a constitutional necessity rather than a policy preference. The case strengthened the doctrine of continuing mandamus and demonstrated the Court's willingness to undertake structural governance reform when executive inertia threatens the rule of law.

Conclusion

While the Prakash Singh directives remain legally binding and constitutionally significant, they have not been able to overhaul the system as required. The gap between law and practice persists, as is evident from the way the States have partially implemented the Court's directives. It is mostly done to get away from the wrath of the Court, but has not resulted in better "police" as was envisaged by the petitioners. The States have ensured that the reform happens only on paper. Legislative sincerity, administrative commitment and political will seems to be lacking, impeding the change that should have happened.

FROM INTENT TO IMPLEMENTATION

Beyond Prakash Singh Judgement

*Rishikesh Kumar

He became a father and died the next day. Ajit Mahto, a 22-year-old resident of East Singhbhum district in Jharkhand, died in police custody after being arrested for purchasing a stolen mobile phone from one of his friends for Rs 500. Ajit never returned home to see his new-born child. One need not speculate about what might have happened inside the police station; his story mirrors a pattern that has been documented repeatedly. He appears to have met the same fate as many others who enter custody but never walk out alive.

This is not an isolated incident. A report by People's Watch, based on documentation from 47 districts across nine states, paints an even more disturbing picture. The organisation estimated that as many as 1.8 million people in India may be subjected to torture every year. More troubling is the pattern they reveal: torture, according to the report, appears to have become an entrenched and often routine strategy of law enforcement. Indian policing has often shown prompt and forceful action in petty offences.

In contemporary India, the exercise of police power has increasingly spilled into the public domain. Homes have

been demolished through what is popularly called “bulldozer justice”, and police “encounters” are sometimes celebrated as swift justice delivered outside the courtroom. These practices continue despite constitutional safeguards and judicial guidelines laid down in cases such as D.K. Basu v. State of West Bengal and People's Union for Civil Liberties v. State of Maharashtra. What is equally troubling is that many of these actions appear to disproportionately affect vulnerable communities—minorities, the poor, and other marginalised groups—raising deeper concerns about the

“ ***In many parts of the world, policing has gradually shifted from a system driven by control to one built on professionalism, accountability, and public trust. This shift did not happen overnight. It came through institutional reforms*** ”

direction in which policing in India is evolving.

Prakash Singh: Setting the Terms of Police Reform in India

1. Recommendation to Benchmark

For a long time, police reform in India was not a question of what needs to be done—that part was already clear. Multiple commissions had identified the same issues: excessive political control, frequent transfers, weak accountability, and overburdened policing structures. The problem was not a lack of ideas; it was the absence of follow-through. The Prakash Singh judgment changed this in a quiet but important way. It took what had remained at the level of recommendation and turned it into an expectation.

The Court's directions focused on familiar fault lines:

- limiting day-to-day political interference
- ensuring minimum tenure for key officers
- separating investigation from law-and-order duties
- creating internal systems for postings and promotions
- setting up independent

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complaint mechanisms

Together, these measures signaled that policing could not continue to function purely on discretion and informal control. There had to be some structure, some predictability.

2. Shifting the Conversation Outward

What followed was equally significant. Police reform was no longer confined to government files or expert committees. The judgment pushed it into the public domain. For the first time, there was a clear reference point that journalists, civil society groups, and even citizens could use to question how policing functioned. Abstract issues like arbitrary transfers or lack of accountability became part of a larger, visible problem.

The judgment also exposed a deeper reality: resistance to reform was due to the political and institutional incentives that benefit from control over the police.

3. Where Reform Slows Down

If the judgment clarified what needs to change, the following years showed how difficult that change actually is. Most States have, in some form, responded to the directives. On paper, the boxes are largely ticked. But in practice, many of these changes have been adjusted to fit within existing ways of working rather than altering them.

Fixed tenures exist, but are often cut short. Oversight bodies have been created, but without the independence or capacity to make a real difference. The separation between investigation and law-and-order is still limited, especially outside a few urban pockets.

This uneven implementation reflects a deeper hesitation. The reforms, at their core, try to limit discretion and redistribute control, and that is where resistance tends to surface.

4. Why it Still Matters--and What Comes Next

Despite the gaps in implementation, the Prakash Singh judgment continues to hold its relevance. Its significance lies in the fact that it set a standard that cannot easily be ignored. Today, any discussion on police reform almost inevitably refers back to it. It has become a reference point, a way to question existing practices and highlight where systems fall short. It has made it harder to defend the status quo without scrutiny.

The judgment also made one thing clear: reform does not end with laying down structures. It depends on whether those structures are allowed to function in spirit. Autonomy without accountability, or accountability without independence, both fall short of what was intended. Seen this way, Prakash Singh is less a completed reform and more a continuing framework. It set the direction, but the responsibility

“***Across Europe and the UK, one principle is clear: the police cannot be the sole judge of their own conduct. This is reflected in the European Code of Police Ethics, which emphasises accountability to the State, citizens, and independent institutions***”

”

of carrying it forward lies within State institutions, political leadership, and public pressure.

The task now is to build on it—to ensure that what was proposed as a corrective measure does not remain a formal exercise, but gradually becomes part of how policing is actually practiced.

Can a country aspiring to become Viksit Bharat by 2047 afford a policing system that is often perceived as unaccountable and inadequately trained? Can a force that still struggles with basic investigative capacity keep pace with a world where crime itself has changed its character? Every day, Indians lose crores of rupees to cyber fraud; life savings disappearing through a phone call, a malicious link, or a manipulated digital interface. Yet for many victims, the journey to police station still

ends in confusion, procedural delay, or a system that is itself trying to catch up with the speed of technology.

If reform is to move beyond intent, we cannot keep looking at the police in isolation—we have to step back and see how the entire system functions. And at that point, it becomes necessary to look outward, to understand how other countries have addressed these same challenges in practice.

Comparative Policing: What India Can Learn from Global Models

Police reform in India is no longer about identifying problems—the issues are well known. The real challenge lies in making reform work in practice. While India continues to grapple with political interference, weak accountability, and low public trust, several countries that faced similar challenges, responded with tangible changes.

In many parts of the world, policing has gradually shifted from a system driven by control to one built on professionalism, accountability, and public trust. This shift came through institutional reforms— independent oversight bodies, clearer legal safeguards, better training, and stronger engagement with communities.

Take Canada, for instance. Its policing system evolved to balance enforcement with rights, supported by independent

review mechanisms and strict procedural safeguards. The focus is not just on maintaining order, but on ensuring that policing remains fair and legally sound.

Similarly, countries like Denmark have strengthened credibility by ensuring that complaints against the police are handled by independent bodies, rather than internally. This reduces bias and builds public confidence in the system.

Japan offers another approach— bringing the police closer to everyday life. Through its neighbourhood-based system, officers remain visible and accessible, focusing as much on prevention and problem-solving as on enforcement.

These examples show that reform is not about one major change, but about building systems that consistently reinforce accountability and trust.

For India, the framework already exists in the form of the Prakash Singh judgment. What is needed now is movement from intent to implementation. Looking at how other countries have operationalised similar ideas can help bridge this gap and make reform more real, and more effective.

Canada: Getting the Balance Right

Canada’s policing story is interesting because it did not start perfect—it evolved. Over

time, the system moved away from a strict ‘catch-the-criminal-at-all-costs’ approach to one that takes rights and procedures seriously. Today, things like proper evidence collection, legal safeguards, and civilian oversight are built into everyday policing.

Independent bodies regularly review police actions. If evidence is collected improperly, it can be rejected in court. This pushes officers to follow the law carefully. At the same time, Canadian policing is not weak. Officers still act firmly when required, but within a clear legal framework.

Another striking feature is how police time is used. A large part of their work involves helping people, resolving disputes, and preventing problems, not just registering crimes. This makes policing feel less like force and more like a service.

Denmark: Trust Built Through Independence

Denmark has taken a very clear position on accountability—the police should not investigate themselves. An independent watchdog body handles complaints against police officers. Whether it is a serious allegation or a routine complaint, the investigation is done outside the police system. This may sound simple, but it makes a huge difference.

Because the process is independent, people are more willing to come forward. And

because officers know they are being reviewed externally, there is a natural check on misuse of power. Over time, this has built a system where credibility comes from transparency, not just authority.

Countries like Denmark consistently rank high in global policing indices not just because of low crime, but because people trust the system to be fair.

Japan: Policing That Lives in the Neighbourhood

Japan's Koban system is often cited as one of the most effective forms of community policing in the world. Across cities and towns, small police posts (called Kobans) are placed within neighbourhoods. Officers don't just visit these areas—they are part of them. They patrol on foot, know the residents, help with directions, assist in local issues, and step in early when problems arise. Because of this constant presence, people don't hesitate to approach the police. Trust builds naturally through such daily interaction.

This also changes how crime is handled. Many issues are resolved much before they escalate into serious offences. The focus is on preventing crime through relationships.

The system shows that when policing is local, visible, and approachable, it becomes far more effective.

The European & UK Model: Accountability through Independent Oversight

Across Europe and the UK, one principle is clear: the police cannot be the sole judge of their own conduct. This is reflected in the European Code of Police Ethics which emphasises accountability to the State, citizens, and independent institutions. In practice, this has led to strong external oversight systems. Countries like Denmark, the Netherlands, and Belgium have set up independent bodies operating outside the police chain of command, with real investigative powers and public reporting. Their functioning reflects standards shaped by the European Court of Human Rights—investigations must be independent, prompt, effective, open to public scrutiny, and involve victims.

“ ***Any expansion of custody powers must be matched with stronger oversight, stricter compliance, and real accountability, failing which the risk of misuse becomes not just possible, but predictable*** ”

In the UK, this approach is reinforced by the Independent Office for Police Conduct, which investigates serious cases such as death, injury, or corruption. At the same time, the traditional ‘bobby on the beat’ remains a defining feature—ordinary officers are still not permitted to carry firearms, relying instead on communication, restraint, and public consent, with specialised armed units deployed only when necessary. The result is a system where accountability is built into everyday policing, helping sustain both credibility and public trust.

Taken together, these examples show that reform is not abstract—it is practical and achievable when institutions are allowed to function as intended. In many ways, the Prakash Singh judgment points in this direction; what remains is to carry its ideas from paper to practice.

The Gap Between Promise and Reality

Nearly two decades later, the Supreme Court had to confront the gap between promise and reality. The Justice Thomas Committee, set up to review implementation, expressed what it called “total dismay” at the “complete indifference” shown by States. Many governments either ignored the directives altogether or passed new Police Acts that appeared compliant on the surface but quietly retained political control through vague provisions and “exigency” clauses.

Even today, the pattern continues. In 2025-26, the Supreme Court has repeatedly pulled up States for appointing “acting” DGPs and delaying the preparation of UPSC panels—clear signs that political interference has not reduced, but adapted. The result is visible: custodial deaths continue, public trust remains fragile, and the larger vision of reform often feels stuck in files rather than reflected on the ground.

At the same time, India has introduced a new legal framework—the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhinyam (BSA). These were meant to modernise criminal justice—bringing in timelines, technology, and greater use of forensics.

Risk of Misuse: The expansion of police custody—extending up to 90 days under Section 187 of the BNSS—raises serious concerns about potential abuse. Given India’s troubling record of custodial violence and coerced confessions, longer detention without robust safeguards can deepen existing vulnerabilities rather than resolve them. The Supreme Court, in *D.K. Basu v. State of West Bengal*, had issued detailed guidelines precisely to curb such excesses and protect detainees from torture and abuse. In this context, any expansion of custody powers must be matched with stronger oversight, stricter compliance, and real accountability, failing

“ ***The larger issue lies less in the design of the judgment and more in its implementation. The Court provided a clear and workable framework, but its success depended on political will at the State level—something that has often been limited or selective*** ”

which the risk of misuse becomes not just possible, but predictable.

Unequal Impact on Marginalised Groups: The expansion of police powers, if not exercised with fairness and sensitivity, risks falling hardest on those who are already vulnerable. Experience shows that communities at the margins—whether due to poverty, social identity, or lack of access to legal support—often face the sharpest edge of enforcement. Without strong safeguards and accountability, enhanced powers can unintentionally reinforce existing biases, leading to selective targeting and deeper mistrust of the system. In a diverse society like India, the real test of policing is not just efficiency, but whether it treats every citizen with equal

dignity and protection under the law.

Other concerns also remain. The expansion of surveillance and data collection raises privacy risks, particularly in light of the safeguards laid down in Justice *K.S. Puttaswamy v. Union of India*. Gaps in infrastructure and training could also affect the effective use of forensic tools, while increased police discretion may weaken judicial oversight, a concern reflected in *Arnesh Kumar v. State of Bihar*.

Moving on Parallel Tracks

But herein lies a growing concern.

While these laws aim to make policing more efficient, they also risk expanding police powers without equally strengthening safeguards. Longer custody periods, wider discretion in investigation and prosecution, and greater procedural control can, if unchecked, deepen the very problems that reforms like Prakash Singh sought to address. In a way, we are moving forward but not always in the right direction. Recognising these risks, the Supreme Court has continued to step in, strengthening safeguards around police functioning.

In cases like *Mihir Rajesh Shah v. State of Maharashtra* and *Vihaan Kumar v. State of Haryana*, the Court made it mandatory for the police to inform arrested persons of the specific grounds of arrest

in writing, in a language they understand, and well before they are produced before a magistrate. This reinforced the protections under Articles 21 and 22 of the Constitution, aiming to prevent arbitrary detention.

Similarly, in *Paramvir Singh Saini v. Baljit Singh*, the Court directed the installation of CCTV cameras with audio and night vision in all police stations and central agencies to curb custodial violence. Yet, even in 2025-26, the Court had to criticise both the Centre and States for delays, non-functional cameras, and lack of proper monitoring, calling it a “blot on the system.”

Taken together, these developments reveal a pattern. Reform in India has often moved in two parallel tracks—one of progressive judicial directions, and another of hesitant or diluted implementation. And this brings us back to where we began.

If the Prakash Singh judgment was about building a better structure, and the new criminal laws are about modernising procedures, the real challenge lies in ensuring that power is matched with accountability, and efficiency does not come at the cost of rights. Because policing today is no longer just about maintaining order. It is about navigating a world of custodial safeguards, digital crime, institutional accountability, and constitutional limits, all at once. And unless these pieces come

together, reform will remain well-written, well-intended, but only partially realised.

The Uneven Journey of Prakash Singh Reforms

The Prakash Singh judgment remains a cornerstone of police reform in India—ambitious in vision but uneven in implementation. While it sought to insulate policing from political interference through fixed tenures, independent bodies, and functional separation, most States have complied more in form than in substance. Institutions like State Security Commissions and Police Complaints Authorities often exist without real independence, and practices such as appointing “acting” DGPs or retaining control over transfers continue to dilute the reform’s intent.

Concerns have also been raised about the one-size-fits-

all nature of the directives in a federal system where policing challenges vary widely across States. The needs of coastal States, metropolitan regions, and border areas differ significantly, and a uniform framework does not always accommodate these variations. This has often been cited by States as a reason for adapting, rather than fully implementing, the prescribed model.

However, the larger issue lies less in the design of the judgment and more in its implementation. The Court provided a clear and workable framework, but its success depended on political will at the State level. In that sense, Prakash Singh is not so much a failed reform as an incomplete one: a strong starting point that continues to highlight both the possibilities of change and the challenges of carrying it through.

The Way Forward: Crafting a People’s Police

A progressive India deserves a police force that is approachable, compassionate, accountable, and firmly rooted in the rule of law. Moreover, policing cannot be reformed in isolation. It sits within a larger ecosystem, and unless that ecosystem is strengthened, even well-designed reforms will struggle to deliver.

This means building capacity around the police as much

“ ***Police reform cannot remain confined to courtrooms or government files. It must become a public issue. Civil society, media, and citizens need to push for it to feature prominently in political agendas*** ”

as within it—empowering institutions like the NHRC and Lokayuktas with real authority, ensuring independent and credible medical examinations in custody, strengthening forensic infrastructure, and making sure that new criminal laws such as BNS, BNSS, and BSA reinforce accountability.

At the same time, meaningful change need not wait for large structural overhauls. It can begin immediately on a few practical fronts.

First, reform must start from within. Police leadership can drive internal changes that do not require legislative approval. Police stations should feel accessible; citizens should be confident that their complaints will be heard, FIRs registered without delay, and interactions marked by empathy rather than authority. The shift from coercive methods to scientific investigation is essential.

Second, administrative gaps need urgent attention. The burden on the police force is simply too high to expect consistent professionalism. Filling vacancies, improving mobility and communication systems, investing in housing and welfare, and modernising training

are immediate necessities. Rationalising working hours—moving gradually toward an eight-hour shift system—can significantly improve both efficiency and behaviour.

Third, technology must be used more effectively. Platforms like CCTNS and NATGRID already exist but need deeper integration. The use of data analytics and artificial intelligence can improve investigation, deployment, and crime prevention. Specialised units must be strengthened to respond to emerging challenges such as cybercrime, encryption, and digital fraud.

Alongside these steps, one reform stands out for its practicality and impact—the separation of investigation from law-and-order functions in urban areas. This was one of the clearest directions under Prakash Singh, and also one of the most feasible to implement. It requires limited additional resources but can significantly improve the quality of investigation and outcomes in the criminal justice system.

What global experience shows is that these are not abstract ideas. Countries that have improved policing have done so

through exactly these kinds of steps—independent oversight (as seen in Denmark), community-oriented policing (as in Japan), professional and rights-based investigation (as in Canada), and strong anti-corruption systems (as in Singapore and Hong Kong).

Ultimately, police reform cannot remain confined to courtrooms or government files. It must become a public issue. Civil society, media, and citizens need to push for it to feature prominently in political agendas. Without public demand, reform risks remaining partial and reversible.

The story of police reform in India is still unfolding. Prakash Singh was a critical beginning—it provided direction and clarity. But the next phase requires political will, institutional coordination, and public ownership.

If internal reform, administrative support, technological capacity, and external accountability move together, India can move toward a system that is effective, fair and trusted.

In that sense, going beyond Prakash Singh judgement means building on it and turning a judicial framework into a lived reality.

COMMON CAUSE CASE UPDATES

Writ for Supreme Court Directions on Police Reforms (W.P. (C) 310/1996)

The battle for police reforms has been going on for the last 26 years. The Supreme Court in 2006, gave a historic judgement in the petition filed by Prakash Singh, Common Cause, and NK Singh. Since then, it has been a struggle to get the Court's directions implemented. On July 3, 2018, responding to an interlocutory application filed by the Ministry of Home Affairs regarding the appointment of acting Director General of Police (DGP) in the states, the Supreme Court gave a slew of directions to ensure that there were no distortions in such appointments. It laid down that the states shall send their proposals to the UPSC three months prior to the retirement of the incumbent DGP. The UPSC shall then prepare a panel of three officers so that the state can appoint one of them as DGP. In October 2022 and December 2022, the Court entertained applications filed by the State of Nagaland and the UPSC to finalise the names of DGP for the state.

In January 2023, the matter was listed twice, when the Court decided on the IA filed by the State of Nagaland on appointment of DGP. This matter was listed several times. On March 25, 2025 after hearing the

counselors for the petitioners, the bench directed that an advance copy of the contempt petitions be served on the nominated/standing counsel for the State of Jharkhand. Mr. Prashant Bhushan, stated that he filed I.A. Nos. 150155/2023 and 67359/2023 in Writ Petition (Civil) No. 310/1996 on behalf of the petitioner, Prakash Singh, seeking appropriate orders/directions as to compliance and for modification of the order(s) of this Court, which have been registered, but were not listed. Registry was directed by the bench to examine and list these applications on the next date and listed all pleas for hearing in the week commencing May 5, 2025. Despite clear directions, implementation across states has remained inconsistent, resulting in recurring contempt and compliance proceedings before the Court.

On July 28, 2025, the court issued notice in IA No.150155/2023 & 67359/2023 in W.P. (C) NO. 310/1996. On August 18, 2025, the Court declined to entertain one of the contempt petitions, observing that the dispute appeared to arise from inter-personal rivalry between officers rather than a matter of public interest. This matter was listed several times from October 2025 till February 12, 2026. Two contempt petitions filed against the states

of Telangana and Tamil Nadu were considered by the Court. The Court once again reiterated its previous order and directed that the states comply with their previous directions. The matter was ordered to be listed on March 9, 2026.

M.A. in Writ petition on Illegal Mining in Odisha (M.A. 18/2025)

In January 2025, Common Cause filed a Miscellaneous Application (MA) in the writ petition on Illegal Mining in Odisha. The MA prayed for directions to the State of Odisha to expedite the recovery/attachment proceedings on an urgent basis by complying with directions contained in previous orders passed by the Supreme Court and to take immediate action to pursue all available remedies before the appropriate forum (Division bench of High Court or SLP before this Hon'ble Court) to have unfavourable orders reversed or altered. The MA was listed several times in January, February, March, April and May 2025.

The IA filed by Common Cause on February 23, 2023, focused on getting directives issued for the Union of India and the State of Odisha to impose limits on the extraction of minerals and on constituting a committee of two or three independent experts to

suggest and recommend such limits and submit its report in a time-bound manner. The matter was disposed of by the Supreme Court on May 7, 2025.

The IA also sought an updated status report on the amount of penalty deposited by the lessees, including the amount to be recovered, lease-wise details of the ore reserve, extraction permitted, the current status of the mining lease, total iron ore reserves and total permitted extraction in the State as directed in the judgment dated August 2, 2017. Significantly, the Supreme Court granted Common Cause, the petitioner, the liberty to file an independent writ petition for the same relief, which had been sought in the IA. The Court also granted our request that the State of Odisha be called upon to file a status report regarding the points referred to in paragraphs 3 and 6 of the SC's order dated March 5, 2025, which is the prayer in the MA as well.

On July 28, 2025, Notice was issued, and Common Cause was granted liberty to serve the same through the Standing Counsel for the State. The MA was tagged with the Writ against the State of Odisha (W.P.(C) No. 675/2025) filed by Common Cause. Subsequent hearings on September 2 and September 17, 2025, addressed compliance issues, including extension of mining leases and joint inspection of mines.

On December 10, 2025, the

Court noted that several writ petitions challenging recovery proceedings are pending before the High Court with interim stays. Given the substantial public revenue involved, the State of Odisha was granted the liberty to move an application before the Chief Justice of Odisha High Court by December 19, 2025, and the High Court was requested to assign all such writ petitions to a dedicated Bench for final disposal by the end of March 2026. If final decisions are not possible by March 31, 2026, the Bench should at least decide Odisha's requests to vacate or modify the stays. In cases without any stay, Odisha may proceed with recovery as per law. The Court directed that status report be filed on or before April 2, 2026. And Miscellaneous Application and the connected matters be relisted in the second week of April 2026. This matter was taken up on March 24, 2026, when due to demise of the previous amicus curiae, Mr. Rao, new amicus Mr. Gautam Narayan was appointed by the court, and the parties were directed to provide all documents to Mr. Narayan. The State of Odisha was directed to file affidavit in compliance of the order dated December 10, 2025, and the registry was directed to list the matter on April 21, 2026.

Writ against State of Odisha (W.P.(C) No. 675/2025)

On May 7, 2025, the Supreme Court, in M.A. No. 18 of

2025, disposed of an earlier interlocutory application, granting liberty to Common Cause to file an independent writ petition for similar reliefs. Pursuant to this liberty, Common Cause filed the writ petition on July 8, 2025, seeking the following directions: (a) Constitution of a committee of independent experts to recommend a limit to be imposed on the extraction of iron and manganese ore in the State of Odisha to ensure environmental sustainability and Inter-generational equity, and submit its report in a time-bound manner; and (b) Direction to the Respondents to impose a limit on the extraction of iron and manganese ore in Odisha based on the aforesaid expert committee report.

Notice was issued on July 28, 2025, and Common Cause was granted liberty to serve the same through the Standing Counsel for the State. The matter was tagged with the previous miscellaneous application (M.A. 18/2025) filed by Common Cause. On July 29, 2025, during the hearing, the Supreme Court expressed displeasure over the State of Odisha's failure to file a counter-affidavit.

On September 17, 2025, the Supreme Court considered an interim application filed by a lessee, wherein the State's counter affidavit disclosed that the validity of the mining lease in question had been extended up to April 16, 2036, subject to

general conditions and statutory clearances. The Court allowed the mining to resume only after verification of all clearances by the competent officer, and directed a joint inspection involving the State's Mining Department to determine the quantity and quality of iron ore. Following the inspection, the lessee was granted four months to sell the ore under the supervision of State officers, with proceeds adjusted against penalties from prior proceedings and deposited with the Special Purpose Vehicle (SPV). The State was further directed to initiate auction proceedings in accordance with the law.

The counter affidavit filed by the State stated that, in relation to certain leases in Raikela, Bhanaba, and Tensa villages of Sundargarh District, the applicant had deposited the compensation amount under Section 21(5) of the MMDR Act, 1957, including interest for delayed payment, pursuant to the Supreme Court's order dated August 2, 2017.

On October 14, 2025 Common Cause submitted that despite multiple opportunities granted to the respondent, State of Odisha, neither counter affidavit has been filed nor has the status report with regard to recovery process been placed before the Court. The Court granted one last opportunity to the State to file counter affidavit and the status report by October 27, 2025.

On October 29, 2025, the Court expressed serious displeasure over the State not being diligent enough to recover the dues running into crores of rupees. Time was granted to the State of Odisha to file a better counter by December 1, 2025. The counter filed by Ministry of Environment of Forest and Climate Change was taken on record. The Ministry of Mines was directed to file its counter, and the petitioners were directed to file respective rejoinders. On February 10, 2026, the Court observed "We find that the writ petition involves a prayer of the petitioner – Common Cause for imposing a cap on mining operations. Since this is an independent writ petition, we direct its de-tagging from the batch of matters." The matter was directed to be re-listed on 18th March 2026.

Petition Seeking Directions to Implement the Recommendations of the National Electric Mobility Mission Plan, 2020 (W.P. (C) 228/2019)

This writ petition was filed jointly by Common Cause, the Centre for Public Interest Litigation (CPIL), and Jindal Naturecure Institute seeking implementation of the recommendations contained in the National Electric Mobility Mission Plan, 2020, promulgated in 2012 by the Ministry of Heavy Industries, and the "Zero Emission Vehicles:

Towards a Policy Framework" report released by NITI Aayog in 2019. The petition aims to ensure policy-level action to curb climate change, reduce air pollution, and minimise India's dependency on fossil fuel imports. On March 5, 2019, the Supreme Court directed the Union of India to apprise it of the progress made under the FAME-India Scheme. Upon hearing on July 22, 2024, the Court granted four weeks to the Union of India to file a counter affidavit detailing policy measures adopted to promote electric vehicles and directed that the Attorney General assist the Court. On April 22, 2025, the government sought more time to place on record its policy decisions. On May 14, 2025, the Attorney General submitted that inter-ministerial deliberations were ongoing and requested additional time to reach a consensus. The Court directed the petitioners and intervenors to submit suggestions to the Attorney General for transmission to the concerned Ministry. The matter is listed for further hearing on November 13, 2025. This matter was taken up on November 13, 2025, when the Attorney General submitted that thirteen Ministries were actively participating in the project meant for the promotion and adoption of electric vehicles in the country. The Court directed that the matter be listed on January 13, 2026, however, the matter could not be taken up.

Status of Policing in India Report 2025

Police Torture and (Un)Accountability



Jointly prepared by Common Cause and its academic partner, Lokniti-CSDS, the Status of Policing in India Report 2025: Police Torture and (Un)Accountability, explores the nature, causes and factors that contribute to the perpetuation of police violence and torture in India.

SPIR 2025 surveyed 8,276 police personnel at 82 locations such as police stations, police lines, and courts across 17 states and UTs. Responses were gathered from urban and rural areas, state capitals, district headquarters, and other small, medium and big towns. The respondents cover the police personnel of constabulary ranks, upper subordinates, and IPS officers. The study includes in-depth interviews with stakeholders who are supposed to act as safeguards against police torture—judges, lawyers and doctors

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