VOLUME 5 | ISSUE 4

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

EXCESSIVE FORCE AND ACCOUNTABILITY: A CRITICAL ANALYSIS OF POLICE BRUTALITY AND LEGAL FRAMEWORKS IN INDIA

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I. ABSTRACT

Police brutality persists to be a worldwide problem which presents very serious legal, ethical, and human rights issues. This research paper focuses on critically analysing the present legal frameworks which controls police misbehaviour with emphasis on constitutional frameworks, judicial remedies, and policy changes. The study focuses on exploring the intersection of criminal justice, human rights, and constitutional law by analysing violations of fundamental rights, such as right to life, dignity, and protection against arbitrary government actions.

The paper evaluates the effectiveness of existing legal protections that are at the dispense of the general public. It examines the functioning of independent organizations, decisions of courts, and the legislative measures taken to curb the excessive use of force.
Marginalized communities are especially the ones who are discriminated against and face severe challenges, this paper elaborates recent case studies and how it affects the current scenario and future ways of dealing with this issue.

The paper continues by suggestive legislative and policy changes to enhance and improve police accountability and help prevent abuse of power by police personnel and reduce the instances of abuse of prisoners, marginalized communities, and also help restore the confidence of the public in the law enforcement.

Keyword: Human rights, Police violence, Policy, prisoners, Law enforcement

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II. INTRODUCTION:

The Police Act, 1861 describes the word police as all the persons who are enrolled under the mentioned act.[2] In a broader sense it includes public officials or the law implementing body whose primary goal is to maintain peace and order in the society.

In India, the state government has control over the police since they are on the state list. State governments' regulations and directives serve as a representation of the organisation and operation of police authorities.

When police officers abuse their authority, it is referred to as police brutality. It includes a range of wrongdoing and abuse by police personnel against people or communities. In addition to using excessive force or acting aggressively towards civilians, this misbehaviour might involve verbal and physical harassment.

Even with constitutional protections and other laws designed to stop police abuse, accountability is still lacking, and officers who are accused of violence seldom get convicted. Because of the systematic inaction on police brutality, marginalised populations are even more susceptible to injustice and prejudice.

Because of institutional obstacles including intimidation, evidence suppression, and a dearth of impartial investigative organisations, victims of police abuse frequently fail to receive justice. Even though the judiciary is supposed to enforce the rule of law, it has frequently been hesitant to handle these infractions, which has further alienated impacted groups. Furthermore, police abuse, especially against people deemed to be a danger to social order, are occasionally normalised or even encouraged by media narratives and public discourse.
This pervasive and systemic issue requires immediate action, not only in the shape of institutional and legislative reforms but also in the form of changing public perceptions of law enforcement. Police brutality will continue to corrode democratic ideals, weaken public confidence in law enforcement, and prolong cycles of violence against society's most vulnerable groups in the absence of accountability and structural reforms.

III. LITERATURE REVIEW

[2] Indian Government. (1861). THE POLICE ACT, 1861. In *THE POLICE ACT, 1861*. https://www.mha.gov.in/sites/default/files/police_act_1861.pdf

- **"Impact of Police Violence on Mental Health: A Theoretical Framework" *(Jordan DeVylder, Lisa Fedina, Bruce Link)*[3]:** This article focuses its research on how exposure to violence, specifically violence asserted by police, impacts and causes major and significant psychological and social issues for an individual and the community as a whole.

  It states that consistent cross-sectional research, over time and period, has illustrated that there is a very strong connection between the exposure to police violence and mental health issues. The authors also mention that due to experience of police violence or witnesses of police brutality have shown to have higher levels of psychological distress, and these include PTSD which is a stress disorder, depression, and anxiety. It also mentions that such instances affect not only individuals who face it directly but the community as a whole who have witnessed these incidents.

  Further it highlights the impact of police violence on adolescence, which includes distrust towards governmental institutions and police, fear, and also disregard for laws in general. It has a long-time impact on their behaviour and their life. This article has also focused on the need and requirement for new and firm policy that would focus on police violence and would provide recommendations to reduce the instances of such cases. It highlights the need to address the root cause for such excessive force and also improve police accountability towards individuals and society in general.

- **"A Study of Human Rights Violations by Police in India" *(R.N. Mangoli& Ganapati M. Tarase)*[4]:** The authors of this paper have done a comprehensive study and examination of police misconduct and its impacts and implications on human rights in India.

  The authors have focused on data provided by National Crime Records Bureau (NCRB) and National Human Rights Commission (NHRC). They have researched and presented the efforts made by such organizations to prevent police violence which includes fake encounters, torture, illegal detentions, etc.

[3] DeVylder, J., Fedina, L., & Link, B. (2020). Impact of police violence on mental Health: A theoretical framework. *American Journal of Public Health*, *110*(11), 1704–1710. https://doi.org/10.2105/ajph.2020.305874

[4] A study of human rights violation by police in India. (n.d.). *CORE Reader*. https://core.ac.uk/reader/230206348

The authors present how there is a lack of police accountability and due to which there has existed such a problem since a long time ago. And in this paper, the effectiveness of current legislations to tackle such issues and provisions for such instances are discussed.

- **"Police Brutality in India: Challenges and Proposal for Reform" *(RituBhaskar)*[5]**: This paper critically analyzes the systematic issues which lead to police brutality in India and also provides solutions for reform.

  The author in this paper discusses the nature of the current police reform in India. It is stated that the current act i.e., The Police Act 1861, was drafted during the period of British India and it is still in practice.

  The authors have also stated that there has been a rapid increase in the cases of police brutality in India and it also discusses the factors which contribute to this issue such as inadequate training, immense political interference, and lack of accountability. And it has raised many concerns such as the loss of trust of the public in police administration.

  The author underscores the need to update the colonial age laws and also the need to implement rigorous training programs for police officials which would focus on human rights and the need for non-violent conflict resolution solutions.

- **"An analysis of Police Brutality in India During the Covid-19 Pandemic" *(AnnubhutiKakkad&ArryanMohanty)*[6]**: The authors in this paper have focused on how during the Covid-19 Pandemic, the police violence increased and especially on the marginalized community and disadvantaged community. It highlights how the pandemic aggravated the already existing issue, and the lack of accountability on part of police administration, because of which the abuse went unnoticed in the name of maintaining peace and order.

[5]Bhaskar, R. & Indore Institute of Law. (2020). Police brutality in India: challenges and proposal for reform. In *Volume 12* (pp. 1–3) [Journal-article; ISSN 2581-5504]. http://www.penacclaims.com/wp-content/uploads/2020/09/Ritu-Bhaskar.pdf

[6] AN ANALYSIS OF POLICE BRUTALITY IN INDIA DURING THE COVID-19 PANDEMIC. (2024). In *INDIAN JOURNAL OF LEGAL REVIEW* (Vol. 4, Issue 3, pp. 143–153) [Journal-article]. https://ijlr.iledu.in/wp-content/uploads/2024/09/V4I321.pdf

By examining several instances of such wrongdoing, the author increases the urgency of measures to improve supervision and guarantee that disadvantaged populations are not disproportionately harmed by law enforcement, particularly during emergencies.

This research examines police behaviour patterns, the legislative frameworks that enabled such acts, and the wider societal repercussions using a variety of sources, such as news stories, case studies, and statistics from human rights organisations. The study also examines how the government, courts, and civil society responded to these incidents, analysing the long-term impacts on public trust in law enforcement. According to the findings, comprehensive police reform and the implementation of stronger accountability systems are necessary to prevent future instances of power abuse.

- **"Police Brutality"- An Infringement of Human Rights in India *(Satyam Chaudhary)*[7]**: The author through this paper analyses the problem of police brutality in India and how it violates human rights of people.

  According to the paper, such institutional inefficiencies and improper enforcement compromises constitutional safeguards, including those found in Articles 21 and 22 of the Indian Constitution. The author also talks about the role of National Human Rights Commission's (NHRC) while dealing with police misbehaviour, as well as the necessity of independent oversight organisations and more robust legal changes. He also explores important rulings from the Supreme Court that have tried to stop extrajudicial executions and abuse in detention.

  The result of the research advocates for extensive police reforms, such as improved training, more openness, and harsher penalties for such misbehaviour. This paper emphasises the critical necessity for striking a balance between upholding law and order and defending civil freedoms, adding to the expanding conversation on human rights and law enforcement tactics in India.

[7]Chaudhary, S. (2020). "POLICE BRUTALITY" – AN INFRINGEMENT OF HUMAN RIGHTS IN INDIA. In International Journal of Creative Research Thoughts (IJCRT), *International Journal of Creative Research Thoughts (IJCRT)* (Vol. 8, Issue 5, pp. 1028–1029) [Journal-article]. https://ijcrt.org/papers/IJCRT2005137.pdf

- **"The Police Brutality in India: A Critical Analysis" *(SouravSuman)*[8]**: By taking in consideration legislations such as Indian Penal Code(IPC), and Code for Criminal Procedure(CrPC), and Indian Constitution , the author has critically examined how such misconduct by police administration have become a systematic issue within Indian Law Enforcement.

  The article draws attention to how due to insufficient accountability, political involvement, and feeble enforcement of legal protections, fuels such police misconduct. The author also mentions landmark Supreme Court decisions and recommendations from several commissions advocating for police reform indicating that even with ample evidence and documentation there is still ongoing failure of reform within a political environment.

- **"Police Savagery during COVID-19 Pandemic in India; Psychological Perspective- Correspondence" *(Sheikh Shoib, Soumitra Das, SaryaSwed, AishatuYusha'aArmiya'u)*[9]:** This article focuses on human rights abuse done by law enforcement and specifically during the COVID-19 lockdown measures taken in India. It draws attention to incidents in which police actions meant to enforce adherence to pandemic restrictions devolved into misconduct and excessive use of force, causing profound public distress.

  The article cites research that has shown these abuses, highlighting the necessity for law enforcement to be ready for any future environmental or psychological emergencies because their actions have a big impact on the way society is organised. The authors also points out that during the pandemic, law enforcement organisations were obliged to enforce lockdown regulations, which inevitably resulted in unfavourable encounters between the general public and the police. A study called

[8]Suman, S. & The Law Brigade (Publishing) Group. (2020). THE POLICE BRUTALITY IN INDIA: a CRITICAL ANALYSIS. In *INTERNATIONAL JOURNAL OF LEGAL DEVELOPMENTS AND ALLIED ISSUES* (Vol. 6, Issue 5). https://thelawbrigade.com/wp-content/uploads/2020/08/Sourav-Suman-IJLDAI.pdf

[9]Shoib, S., Das, S., Swed, S., &Armiya'u, A. Y. (2022). Police savagery during COVID-19 pandemic in India; psychological perspective – Correspondence. *International Journal of Surgery, 106*, 106950. https://doi.org/10.1016/j.ijsu.2022.106950

"Policing in the Covid-19 Pandemic," which was carried out in ten states, found concerning things about the behaviour of police during this time.

- **"Why Police Brutality is Endemic in India" *(Madras Courier)*[10] –** This article published by Madras Courier does a comprehensive analysis of the present systematic issues which are contributing to the issue of police violence in the country.

  It highlights the number of deaths that occurred between 2005 to 2018 during police custody, which is 500, and no single conviction was done, highlighting the deep-rooted flaw in prosecuting and convicting perpetrators.

  One of the major reasons for this form of abuse is the lack of accountability. The article highlights that due to absence of a national anti-torture laws, police violence is exacerbated.

  Corruption among the law enforcement as well as the public perception are major reasons for this abuse as it establishes a culture and normalizes it.

- "**Why India's Police Consider The Use of Violence Normal" *(SarimNaved)*[11]:** The systematic normalisation of police brutality in India is examined in this essay, which attributes it to societal, institutional, and historical causes. The colonial past, when the police force was created to quell opposition rather than serve the people, is where the author contends that the origins of this problem lie. This heritage is still evident in modern policing techniques.

  It also draws attention to the fact that police abuses are class-biased. According to the paper, whereas the impoverished frequently anticipate and put up with police brutality, the middle and higher classes seldom ever experience it. This discrepancy highlights a systematic prejudice in which police brutality disproportionately affects marginalised populations.

  The article offers a critical analysis of the deeply ingrained culture of violence in India's police force, highlighting the necessity of extensive changes to address systemic biases, historical legacies, social views, and accountability frameworks.

[10] Courier, M., & Courier, M. (2025, March 11). *Why police brutality is endemic in India | Madras Courier*. Madras Courier. https://madrascourier.com/policy/why-police-brutality-is-endemic-in-india/

[11] *Why India's police consider the use of violence normal*. (n.d.). Home. https://article-14.com/post/why-india-s-police-consider-the-use-of-violence-normal

- **'We are not safe': India's Muslims tell of wave of police brutality *(Hannah Ellis Petersen)*[12]:** The article presents a thorough analysis of the excessive use of force by Uttar Pradesh's police on Muslim communities during demonstrations against the Citizenship Amendment Act (CAA).

  It brings attention to many instances in which Muslim people—including children—were the targets of arbitrary detentions, cruel treatment in detention, and acts of extreme violence. Witnesses recount large detentions in which captives, some of whom were as young as 12, suffered serious injuries after being struck with bamboo canes and metal rods. These acts have caused the Muslim community to feel afraid and uneasy, which has raised worries about systematic discrimination and human rights abuses.

  It clarifies the serious problem of police abuse of Muslims in India and highlights the need for structural adjustments to guarantee equality and justice for all.

IV. OBJECTIVE

The objective of this research paper is to explore the topic of police brutality. It focuses on causes, patterns and also its impact on the general public and how it affects the confidence of the public in law enforcement. Although, the paper would take in an extensive overview of such cases, but primarily the focus would be on the cases, trends, and patterns in India. The paper analyses how the current legal system tackles the issue, and the legal system, institutional process.

V. RESEARCH GAP

- Lack of Empirical Data on Police Brutality
- Insufficient Evaluation of Police Reform Implementation

VI. RESEARCH QUESTION

[12] Ellis-Petersen, H. (2020, January 3). "We are not safe": India's Muslims tell of wave of police brutality. *The Guardian.* https://www.theguardian.com/world/2020/jan/03/we-are-not-safe-indias-muslims-tell-of-wave-of-police-brutality

- How effective are the legal and institutional mechanisms in India in addressing cases of police brutality?
- How does police brutality in India impact public trust in law enforcement, and what measures can improve accountability?

VII. EFFECTIVENESS OF LEGAL AND INSTITUTIONAL MECHANISMS IN ADDRESSING POLICE BRUTALITY IN INDIA

In India, despite constitutional guarantees and a legislative framework intended to prevent the abuse of power, the effectiveness of institutional and legal processes in addressing police brutality remains extremely low. The Indian Penal Code (IPC) makes abuse by public officials, including torture while incarcerated and unlawful confinement, a crime under sections 166, 330, 331, and 342. Similarly, the procedural safeguards provided by the Code of Criminal Procedure (CrPC) are designed to limit arrests and safeguard the rights of the accused. For oversight and restitution, organisations such as the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs) have also been established.

Judicial interventions have also played a significant role. D.K. Basu v. State of West Bengal (1997) established comprehensive standards on arrest and detention, while Prakash Singh v. Union of India (2006) concentrated on structural changes such as creating Police Complaints Authorities and separating law and order from investigative duties.

However, a lack of political will, bureaucratic delays, and inadequate execution are common problems with these tools. Police Complaints Authorities lack both autonomy and enforcement authority, and many states have not yet completely adopted or implemented the Prakash Singh reforms. Additionally, police officers themselves routinely lead internal investigations into misbehaviour claims, which raises severe concerns about impartiality. Despite having a significant impact on notifications and recommendations, the NHRC lacks binding jurisdiction and frequently responds slowly. Because of the extremely low rates of prosecution or conviction of negligent officers, victims of police brutality sometimes have to navigate a system that is either unresponsive or inaccessible.

VIII. IMPACT OF POLICE BRUTALITY ON PUBLIC TRUST AND MEASURES TO STRENGTHEN ACCOUNTABILITY

Police violence causes serious and long-lasting harm to the public's trust in law enforcement. Due to the use of excessive force, arbitrary detentions, deaths in custody, and discrimination against marginalized groups, especially Dalits, Adivasis, Muslims, and the urban poor, the police in India are seen as an oppressive rather than a protective force. This lack of confidence is more noticeable in areas where there has been a history of intercommunal conflict, insurrection, or institutionalised prejudice. People, particularly those from underprivileged areas, frequently fear approaching the police, which leads to underreporting of crimes and strained community-police relations.

The absence of effective accountability mechanisms makes this mistrust worse. It communicates the idea that when police misconduct goes unpunished or is not fully investigated, law enforcement officials can act without facing repercussions. This damages the reputation of the police force and undermines the legitimacy of the state as a whole.

To rebuild public trust and ensure true accountability in law enforcement, India must adopt a multipronged approach founded on transparency, independence, and community engagement. Establishing fully independent Police Complaints Authorities at the state and district levels is of utmost importance. These committees must have investigative and quasi-judicial authority in order to handle complaints against police officers in an unbiased manner. Two examples of technological interventions that can further improve transparency by tracking and recording interactions between police and citizens, which helps to prevent wrongdoing, are the mandatory installation of CCTV cameras in all police stations and the use of body-worn cameras during field operations.

Protecting victims and witnesses is equally crucial; robust measures must be implemented to stop intimidation or retaliation against those who report instances of police abuse. Other steps that must be taken to enhance judicial oversight include the creation of fast-track courts for cases involving prison violence and the requirement that judicial investigations be conducted into every instance of custodial death. India should enact a comprehensive local anti-torture law and ratify the United Nations Convention Against Torture (UNCAT) as part of its longstanding human rights obligations.

Finally, community police programs that prioritise trust-building, local involvement, and preventive engagement over coercive action should be supported as a framework for democratic and compassionate law enforcement. When combined, these steps could increase

public confidence in law enforcement and align it with constitutional and human rights principles.

IX. LEGAL FRAMEWORKS GOVERNING POLICE CONDUCT IN INDIA

- Constitutional Framework: According to the Seventh Schedule[13] of the Constitution of India, matters are divided between 3 lists. They are: -

A) Union List (list I)- This list lists the subjects on which only the Union Government has the authority to pass laws. A stable and consistent national policy is required because these issues affect the entire country. Among the subjects discussed are currency, finance, international affairs, and defence.

B) State List (List II)- The Indian Constitution's Seventh Schedule contains the State List, also known as List II, which identifies subjects on which only state governments have the authority to pass legislation. It covers 61 themes, with a primary focus on issues of local and state significance, such as public health, agriculture, law enforcement, and public order. The State List ensures that state governments can pass local laws without interference from the federal government.

C) Concurrent List (List III)- The Concurrent List is a list of subjects covered by the Indian Constitution that both the Union (Central) and State governments can pass laws on. It allows both levels of government autonomy in addressing issues that they both deem significant and serves to divide up legislative authority. However, when a State law and a Union law conflict on the same issue, the Union legislation typically prevails.

As per the contents of list II in the Seventh Schedule, Police is a matter enumerated in state list. Which means that only the state government has the power to administer, legislate, and control the police force in their respective jurisdiction.

Each state has a police department of their own, and the Director General of Police (DGP) is the head of the state police force. DGP is appointed by the state government. And states are

[13] Government of India. (n.d.). THE CONSTITUTION OF INDIA (Seventh Schedule). In *THE CONSTITUTION OF INDIA*. https://www.mea.gov.in/Images/pdf1/S7.pdf

given autonomy to frame their laws and rules which would regulate the functioning of the police forces.

Due to the absence of a centralized law governing this subject, there is disparity and variation in the police structure, their functioning, and accountability mechanisms across states. Many states across the country function under the colonial-era Police Act 1861, whereas some states have enacted state-specific Police Acts.

Until Article 356 (the President's Rule) is obeyed or the state consents to central intervention, the central government is only permitted to deploy Central Armed Police Forces (CAPFs), such as the BSF and CRPF, but not to assume direct command of state police forces.

- The Police Act, 1861[14]- This act was enacted by the British Colonial Government after the First War of Indian Independence in 1857. Due to the fear of another similar uprising, a centralized, and disciplined police force was formed to maintain law and order in the society and suppress any sort of rebellion that took place. Due to the centralized power, there was no provision which was present that would allow citizens to file complaints, or internal reviews, or checks. It allowed for arbitrary power and suppression to take place. It also allowed political intervention and allowed executive control over police appointments and actions.

  Some of the states which has enacted state based laws to replace or update the 1861 act are:

  A) Kerala Police Act, 2011

  B) Maharashtra Police Act, 1951

  C) Punjab Police Act, 2007

  D) Assam Police Act, 2007

The Police Act of 1861 laid the basic foundation for the police administration in India however, it was formed to serve the purpose of the British rule and the colonial regime. It lacked the democratic spirit and was a rigid format. But it still continues to influence police functionality across the country.

[14] Indian Short Titles Act. (1861). THE POLICE ACT, 1861. In *THE POLICE ACT, 1861*. https://www.indiacode.nic.in/bitstream/123456789/2264/1/AApolice1861___05.pdf

- Model Police Act, 2006[15]- Under the leadership of Justice Soli Sorabjee, the Police Act Drafting Committee drafted the Model Police Act, 2006, with the primary objective of replacing the colonial-era Police Act of 1861. Instead of encouraging democratic governance, the 1861 Act was passed during the British administration with the goal of imposing control. In contrast, the Model Act seeks to establish a police force that is responsible, professional, responsive, and empathetic towards the public—all qualities that are essential in a modern democracy.

  A key component of the Model Act is the functional separation of the police force's law and order and investigative wings. By assigning specialised personnel to criminal investigations, this aims to improve the quality of investigations while increasing efficiency and reducing delays in the administration of justice. The Act also establishes a number of accountability mechanisms, such as the establishment of Police Accountability Commissions at the state and district levels to independently investigate claims of police misconduct, duty neglect, and brutality in detention.

  By suggesting fair work schedules, leave guidelines, stress-reduction programs, and enhanced facilities, it also attends to the wellness of police officers. The Act emphasises the necessity of training in forensic science, cybercrime detection, human rights, gender sensitivity, and crowd control in recognition of the dynamic nature of crime.

  The Model Police Act, 2006, is a comprehensive framework that aims to promote an effective, equitable, and citizen-centric law enforcement system by reimagining the role of police in a democracy.

X. POLICE BRUTALITY AND MARGINALIZED COMMUNITIES

The marginalized community in India takes the blow for the atrocities that police administration imposes on them. Different communities have different experiences in this matter. Due to lack of education, financial stability, and lack of representation, and rigid taboo that is rooted in the society, the complaints filed by these groups go unnoticed.

[15] THE MODEL POLICE ACT, 2006. (n.d.). In *PADC Proposed Bill*.

Dalits, Muslims, LGBTQ+ individuals are subjected to discriminated police behaviours such as torture, surveillance, violence, and extra-judicial killings. And it has been the case that in India caste based atrocities usually go unregistered or are investigated very poorly.

Particularly in conflict areas like Chhattisgarh and Jharkhand, Adivasi people are often subjected to militarised police and accused of having Maoist sympathies. In a similar vein, government enforcement typically fails to protect minority groups or aligns itself with majoritarian mobs in cases of community violence.

Institutional indifference, a police force devoid of diversity, and a lack of community policing tactics all contribute to the alienation and fear that these communities experience. Victims are often bullied or discouraged, and there is often no legal remedy available.

XI. CASE STUDIES

- ***Joginder Kumar v. State of UP (1994)***[16]- In this case, on the date of January 7, 1994, Joginder Kumar, who was a 28 year-old newly enrolled advocate was summoned by the SSP in Ghaziabad for an inquiry. At around 10:00 A.M. he appeared for the inquiry with his brother and instead of a proper lawful inquiry, Joginder Kumar was detained without being informed of the formal charges or a warrant. His family was given assurance that he would be released on the same evening but later his whereabouts became unknown. Joginder's relatives filed a writ suit under Article 32 of the Constitution, claiming he was wrongfully detained at the Mussoorie Police Station before being taken to an undisclosed location and expressing concerns about foul play.

  The Supreme Court held that the right to make an arrest does not justify its arbitrary use and that personal liberty, as guaranteed by Article 21 of the Constitution, cannot be infringed upon without a valid reason. The Court ruled that arrests should not be routinely made for every crime that could be prosecuted and must be supported by the law. It issued guidelines mandating that the arrest be recorded in the station journal, that the arrested individual's friends or family be informed of the arrest, and that the magistrate ensure that these procedural safeguards are observed. This decision

[16]AIR 1994 SC 1349

emphasised accountability in law enforcement and reinforced constitutional protections against wrongful imprisonment.

- ***DK Basu v. State of West Bengal (1997)***[17]- The DK Basu case is one the landmark judgement which addresses the issue of custodial violence, deaths and it puts emphasis on protecting the fundamental rights of individuals during the arrest and detention process.

D.K. Basu, who was the Executive Chairman of the Legal Aid Services in West Bengal, wrote a letter to the Supreme Court in which he highlighted the reports of custodial deaths and instances of police brutality. He implored the apex court to treat the letter as a Public Interest Litigation and requested the court to establish guidelines which would address such issues. The Supreme Court after recognizing the seriousness of the issue treated the letter as a PIL under Article 32 of the Constitution.

The court recognized the importance of the letter and acknowledged the prevalent issue of custodial torture and deaths and state that such practices violate Article 21 of the Constitution which grants people the right to life and personal liberty. The court laid heavy emphasis on the fact that people who are serving time in prison or are in judicial custody are entitled to fundamental rights and that form of torture or any inhumane treatment is considered unconstitutional. The court down specific guidelines that are known are DK Basuguidelines which are to be followed during the process of arrest and detention. Some of those guideline are: -

A) Police officers while conducting an arrest must wear clear identification and name tags.

B) At the time of arrest, a memo has to be prepared, which is witnessed by at least one person (preferably a family member), and has to be signed by the arrestee.

C) The person being arrested has the right to inform a relative or a friend of his arrest and the place of detention.

D) The arrestee must go under a medical examination every 48 hours during the custody by a qualified doctor.

[17]AIR 1997 SC 610

E) The arrestee must be permitted to meet a lawyer of their choice during the interrogation process.

F) A police control room must be established at all districts and state headquarters and information about arrest and place of custody of an individual must be communicated to these control rooms within 12 hours of the arrest and it should be displayed on a conspicuous notice board.

This judgement is the most prominent and influential judgement in the Indian criminal justice system. It reinforces human rights and also ensures that police administration is held accountable. Although these guidelines have helped in reduction of such instances, the problem still persists.

- ***Prakash Singh v. Union of India***[18]- The petitioner in this case, Prakash Singh, a retired Director General of Police, filed a Public Interest Litigation (PIL) before the Indian Supreme Court in 1996. He drew attention to the alarming state of the country's police force, stressing the widespread political interference in police administration, the arbitrary transfers, and the absence of accountability. The petitioner argued that this kind of meddling weakened the rule of law and hindered the police's ability to operate as a separate and professional entity. Singh demanded changes to guarantee police accountability and autonomy so that they may act in the public good without fear or favouritism.

  After years of consideration, the Supreme Court recognised the urgent need for police reforms to uphold constitutional principles and protect people's rights in a landmark decision in 2006. The Court issued seven legally binding directives to all state and union administrations to reform the police system. These included the creation of State Security Commissions to shield police from political pressure, Police Establishment Boards to ensure equitable personnel management, a minimum two-year term for the Director General of Police (DGP), and Police Complaints Authorities to investigate allegations of police misconduct. The Court made it clear that these directives would be adhered to until the necessary legislation was passed, which was a significant step towards police accountability and autonomy in India.

[18](2006) 8 SCC 1

- ***Prem Shankar Shukla Vs. Delhi Administration (1980)***[19]- In this case, Prem Shankar Shukla was incarcerated in Tihar Jail for his trial. During the trial he had to appear before the court several times and he was frequently handcuffed by the police during the trip between the jail and the court and that too without any personal evaluation of the necessity.

  Shukla being an inmate who belonged to the "better class" (educated, no criminal history, belonged from respected homes), argued that despite his standing, he was subjected to mental humiliation and mental agony because of being paraded in handcuffs like a seasoned and experienced criminal. No inquiry was done to evaluate whether he posed any threat that would require such measures. And even after orders from the Supreme court to stop this use of this measure, the use of handcuffs was not stopped.

  Frustrated, Shukla sent a Telegram to the Supreme Court in which he urged the court to look into the arbitrary and degrading practice of handcuffing under-trials without any proper reasoning or legal safeguards.

  The Apex court treated the Telegram as a writ petition under Article 32 of the Constitution.

  The Supreme Court held that the routine handcuffing of under-trial prisoners to be unconstitutional and that it violates Article 14,19, and 21 of the Indian Constitution. The court put emphasis on the point that such practice and measures are inhumane in nature and unreasonable and should not be applied arbitrarily. It ruled that handcuffs should only be used in exceptional circumstances where there is a clear and present danger of escape or other dangers. Additionally, the Court ordered that judicial authorities ask if an accused person was shackled while in transit and, if so, demand an explanation from the relevant authority.

These are some of the landmark judgments which lay down the foundation for police administration and the guidelines and rules that need to be followed while making an arrest, after the arrest and during the detainment period to make sure that the fundamental rights that are granted to people are not violated.

[19]AIR 1980 SC 1535

These incidents are not isolated incidents, despite their striking and representative nature; rather, they are a part of a larger pattern of institutional violence that has plagued Indian policing for many years. The prevalence of police abuse in different states and circumstances is also illustrated by a number of other incidents, including the deaths in custody in Manipur, the allegations of torture in Jammu & Kashmir, and the use of excessive force during protests such as those against the Citizenship Amendment Act.

Nonetheless, the growing judicial activity and the public discourse on human rights demonstrate a slow but discernible shift. Courts have occasionally stepped in to defend constitutional protections, as evidenced by the Supreme Court's decisions in DK Basu v. State of West Bengal and Prakash Singh v. Union of India, which restated police accountability procedures.

More public interest litigation (PIL) on prison brutality and state and national human rights commissions demonstrate that the judiciary is opening up to demands for transparency and reform. Despite continued challenges, these advancements mark a change in India's approach to handling police abuses, pushing the judiciary to take a more accountable stance and embrace a citizen-centric policing model.

XII. RECOMMENDATION FOR REFORM

- Revamp of the Police Act: There is an urgent need to replace the act of 1861 which is a colonial act designed to control the population that time from participating in rebellious activities rather than to serve a democratic nation. Its continuation in the country has formed a militaristic and hierarchical structure. Although the current legislation works but only till a certain point. It is necessary for us to do a comprehensive overhaul. An act which would incorporate democratic values of the nation, and respects the fundamental rights of the citizens and also encourages community based policing and limits the use of arbitrary use of power.
- Accountability through Data Transparency: The current report by NCRB only gives the data in the matter of death in prison, accidental deaths in prison, un-accidental death in prison, and suicides in prison. Such data although creates some level of transparency, it does not give an accurate picture. Police departments must be legally mandated to publish annual reports which would give a detailed overview on arrests, custodial deaths, use of force incidents, and outcomes of disciplinary actions. And it is

also important that this information be publicly accessible. This would ensure that police departments are held accountable for their conduct and reveal the true cause of death, the use of force on inmates, and it would facilitate informed policy-making and also enable civil society and media to play the role of a watchdog.

- Mandatory Recording of Arrests and Interrogations: To curb custodial torture and ensure procedural safeguards it is imperative for the legislation to mandate audio visual recording of all interrogations that take place and arrest procedure as well. Apart from this CCTV should also be involved in all the police stations, interrogation rooms, and lock-ups to maintain a visual record of the same that can be produced before the court when required.
- Strengthening role of National Human Rights Commission: The National Human Rights Commission (NHRC) is crucial in combating custodial violence, but it is often limited by lengthy investigations and a lack of legally binding authority. Strengthening the NHRC requires legislative changes that give it legal authority, ensure that complaints are resolved promptly, and provide adequate staffing and funding. In order to make sure that its recommendations are followed, it must also have the power to apply sanctions or court supervision and to bring serious abuse cases directly to justice.

XIII. CONCLUSION

India, as an independent nation, has made efforts in dealing with the issue of police brutality and establishing the trust of the citizens within the department. However, there are still many laps in the provisions laid down.

Instead of being the product of a single incident, police brutality in India is a result of structural issues with the criminal justice system. The ongoing failure to prevent, address, and rectify acts of excessive force highlights the urgent need for systemic change, even in the face of legal laws and constitutional protections. Police misconduct undermines public trust and jeopardises the rule of law, two fundamental elements of a democracy, particularly when it targets marginalised communities.

Reform cannot be restricted to judicial decisions or legal directives; it must become ingrained in institutional culture, administrative practices, and public perception. Strengthening independent monitoring, financing police accountability, and incorporating human rights

training into law enforcement are all necessary for true reform. Empowering communities also requires the use of participatory policing strategies that encourage mutual respect rather than fear.

In addition to preventing abuse, redefining Indian policing must put an emphasis on building a force that is impartial, transparent, and considerate of the needs of everyone, particularly the most vulnerable. Reaching this objective is a democratic necessity, not just a reform issue.

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