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REFORM VS REALITY: A CRITICAL STUDY ON THE IMPLEMENTATION OF POLICE ACCOUNTABILITY MECHANISMS IN TAMIL NADU

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Abstract

Police accountability is an indispensable attribute of a democratic country. Several mechanisms have been institutionalized in India to ensure police accountability, mainly arising from the grievances over police like custodial tortures and deaths, abuse of power, false accusations, detention without recourse to law and other police crimes. Despite the attempts to better policing the success of accountability mechanisms has become an issue of serious concern.

This research evaluates, critically, the lacunae between the formal aspect of police accountability system and implementation thereof in State of Tamil Nadu by analyzing the effectiveness of the existing formal institutional arrangements that address police crimes, namely departmental supervision, judicial supervision, complaints authorities and other formal instruments to ensure police accountability.

This research is conducted with doctrinal and analytical research methodology which is based upon scrutiny of legal provisions, judicial pronouncements, committee/commission reports and prevalent practices regarding police accountability and with particular reference on the efficacy of these institutions to afford accessible forum for lodging complaints, subsequent investigation and resolution; together with establishment of mechanisms for institutional check. This research submits that it is the practical applicability of the reforms already enforced in law, not their creation itself, which ensures accountability in reality. By evaluating reforms and their reality, this research intends to establish the loopholes that exist in present mechanism of police accountability in Tamil Nadu, so that transparency, independent authority, easy access and institutional responsibility could be achieved.

Introduction

The word 'Police' was coined from the Greek word 'Polis' meaning city. Which meant to describe the ones who maintain order in the city. The Sepoy Mutiny of 1857¹ also known as the 1st war of Indian Independence, shook the Britishers. They were amazed on how well the Indians managed to gather forces. Their existing military forces felt inadequate after the mutiny. So, they wanted to create a force just to manage the Indian patriotic crowd and provide security to themselves. Today, the police are among the most visible and powerful institutions within the criminal justice system. Entrusted with the responsibility of maintaining public order, preventing crime, investigating offences, protecting life and property, and enforcing the law, the police possess extensive powers that directly affect the fundamental rights and liberties of individuals. The nature of these powers makes police accountability an indispensable requirement. But we tend to sometimes forget that the force we are taught to consider friends today was never meant to be a friend to us, at least not by the writers of the Police Act of 1861. Yes, we do have other acts, supreme court directions etc., but the question is, how well are these reforms applied in real life? While effective policing is necessary for the maintenance of law and order, the exercise of police authority must remain subject to legality, transparency, institutional oversight, and respect for human rights. The legitimacy of the police therefore depends not merely upon their capacity to control crime but also upon the way that power is exercised.

Literature Review

The reform agendas as mentioned by Savanth S and Dr. Sana Humd suggests 4 pillars Autonomy, Accountability, Community policing and Technology which rightly emphasize the that the already existing mechanisms are just in paper and fail to actually reduce the police deviance². The seven directives suggested by Harshitha³ also highlight the already formulated reforms suggested after the Prakash Singh vs Union of India case law. The Supreme Court of India, particularly through its landmark judgment in *Prakash Singh v. Union of India*⁴, identified several institutional reforms intended to insulate the police from unwarranted political interference while simultaneously strengthening mechanisms of accountability. These reforms

¹ Britannica, <https://www.britannica.com/event/Indian-Rebellion-of-1857>, August 16, 2026.

² Sevanth S and Dr Sana Humd, Police reforms and criminal justice administration in India – A socio- legal analysis, Indian Journal of law and legal research, August 16 2026, <https://www.ijllr.com/post/police-reforms-and-criminal-justice-administration-in-india-a-socio-legal-analysis?>

³ Harshitha, Police Reforms: Need of the Hour, Indian Journal of Law and Legal Research, August 16 2026, <https://www.ijllr.com/post/police-reforms-need-of-the-hour?>

⁴ Prakash Singh & Others v. Union of India & Others (2006) 8 SCC 1

included the establishment of State Security Commissions, Police Establishment Boards, Police Complaints Authorities, fixed tenure for certain police officials, and measures relating to the selection and functioning of police leadership⁵. The need for police reform has consequently been recognised by various committees, commissions, judicial decisions, and legislative initiatives. The recommendations of bodies such as the National Police Commission, the Ribeiro Committee, the Padmanabhaiah Committee, and the Malimath Committee have contributed significantly to the police reform and accountability.

Despite the development of these formal mechanisms, the existence of a legal or institutional framework does not guarantee effective accountability. The concern lies in the gap between reform on paper and reality in practice. A mechanism may exist statutorily or institutionally while remaining ineffective because of inadequate implementation, limited independence, lack of public awareness, procedural barriers, insufficient resources, institutional resistance, or the absence of meaningful consequences for misconduct.

Constitutional and Statutory Framework

The 7th Schedule under the Indian Constitution Section 246 states that Police comes under List II (State List). The main act governing the police department is as already stated, the Police Act of 1861 which is certainly outdated.

In the context of Tamil Nadu, the enactment of the Tamil Nadu Police (Reforms) Act, 2013 created a statutory framework intended to implement the Supreme Court's directions in *Prakash Singh vs Union of India*. The Act specifically provides for State and District Police Complaints Authorities and establishes a separate chapter dealing with police accountability. I would say the Police Complaints Authority (PCA) and the State Security Council (SSC) are one of the best reforms in idea. However, the existence of these statutory mechanisms does not, by itself, establish that effective police accountability has been achieved. A significant gap therefore exists between the formal legal framework and its practical implementation.

⁵ https://www.indiacode.nic.in/bitstream/123456789/21392/1/tamil_nadu_police_reforms_act%2c_2013_-_home.pdf#search=policy%20reforms%20act

Theoretical Framework

Rule of Law Theory

Lal Bahadur Sastri observed that “the rule of law must be respected with the aim of maintaining and further strengthening our basic democratic system”⁶ Which rightly captures that regardless of whatever the ranking of a police officer might be the protection of the citizen’s peace must be the major consideration of every police official which in-turn is what the law itself was designed for. Thereby fulfilling the rule of law theory.

Analysis of Recent Cases Involving Abuse of Police Power in Tamil Nadu

R Somasundaram vs the State of Tamil Nadu and others (October 2025)

The Madras High Court Madurai Bench, Justice B Pugalendhi observed that whenever a preliminary enquiry is proposed under Section 173(3) BNSS, a CSR would be issued recording that the petition is under inquiry. Summons or notices should be traceable only under Section 173(3) and not under 179 or 35(3). Therefore, police producing summons or notices during the preliminary enquiry (before filing FIR) are considered to be kangaroo courts and cannot be sustained by law.⁷

Akash Delison Police Assault Death (April 2026)

“The Scheduled Caste youth Akash Delison died because police assaulted him out of anger after he questioned a person selling illicit liquor,” claims VCK president and MP Thol. Thirumavalavan.⁸ Forensic experts and medical professionals say that there are significant discrepancies in the postmortem report of Akash.⁹

Ajith Kumar Custodial Death Case (June 2025)

The custodial death of 27-year-old temple guard B. Ajith Kumar in Sivaganga district, Tamil Nadu, took place on June 28, 2025, after brutal police torture over a false jewelry theft

⁶ <https://www.lloydlawcollege.edu.in/blog/rule-of-law-in-constitution.html>

⁷ The New Indian Express, Madurai HC Cautions TN Police on summons during preliminary enquiry, page 1, <https://www.newindianexpress.com/states/tamil-nadu/2025/Oct/22/madurai-hc-cautions-tn-police-on-summons-during-preliminary-inquiry>, August 16, 2026.

⁸ The Hindu, SC youth Akash Delison died after police assaulted him for questioning a person selling illicit liquor: Thol. Thirumavalavan, <https://www.thehindu.com/news/cities/Madurai/sc-youth-akash-delison-died-after-police-assaulted-him-for-questioning-a-person-selling-illicit-liquor-thol-thirumavalavan/article70739854.ece>, March 13, 2026.

⁹ C. Palanivel Rajan, The Hindu, Sivaganga Custodial Death, <https://www.thehindu.com/news/national/tamil-nadu/sivaganga-custodial-death-of-akash-forensic-experts-flag-severe-discrepancies-in-autopsy-report/article70727472.ece>, Updated: March 11, 2026.

accusation. Officers allegedly put chilli powder over his wounds, beat him with pipes and rods. Autopsy shows 44 injuries showing severe physical abuse.

Sabari Varman Custodial Death (July 2026)

34-year-old differently abled shopkeeper died after suffering 19 severe injury marks. 3 prison wardens and 8 inmates arrested regarding this issue. The incident triggered a backlash from the opposition parties with the DMK MP Kanimozhi faulting the police and government over handling the issue.¹⁰

And many other cases recorded under police brutality are just a google search away. With an increasing number of arbitrary behaviors by police, we are now more than ever in need of a system that holds the department accountable.

Critical Analysis of the reforms under the Tamil Nadu

Police Reforms Act 2013

In this research we are mainly focusing on the Police Complaints authority and the State Security Commission.

The State and District Police Complaints Authority

Both the State and the District Police Complaints Authority address only for “serious misconduct” which as mentioned under the Tamil Nadu Police Reforms Act 2013¹¹ means any act or commission of a police officer that leads to or amounts to

- a) Death in police custody;
- b) Rape;
- c) Grievous hurt in police custody.

Now what happens to other serious misconducts? Certainly, it is not that death, rape or grievous hurt are the only serious misconducts. Are we supposed to wait until any one of the above happens to reach the PCA for a resolution? Or are victims supposed to reach alternative constitutional bodies like the State Human Rights Commission (SHRC) or Magistrate Courts for resolution. Or are they supposed to go to officers within the department in hierarchy in order to keep the issue within the department internally. So why is it that the PCA only acts on

¹⁰ The New Indian Express, Custodial Death of specially-abled man fuels political outrage in Tamilnadu, <https://www.newindianexpress.com/states/tamil-nadu/2026/Jul/16/custodial-death-of-specially-abled-man-fuels-political-outrage-in-tamil-nadu>, Updated: July 16, 2026. Last visited 16 August, 2026.

¹¹ The Tamil Nadu Police (Reforms) Act, 2013 (Act No. 22 of 2013), *Tamil Nadu Government Gazette Extraordinary*, pt. IV, sec. 2 (Nov. 8, 2013) [index:1.1.1].

serious misconduct. Is it because the barely formed PCA body comprises of less quantity of officials compared to the population. If so, for the betterment of society, why can't we hire more of them?

The Commission is also designed to intervene only when a complaint is filed or wait until media covers an issue to focus on it, when in fact it should be PCA, who should be hovering over the police department to find deviance and hold the deviant accountable.

The State Security Commission

Section 7 of the Tamil Nadu Police Reforms Act 2013 directs the State Security Commission to submit reports at the end of every year showing their work for the past year and recommend improvements in front of the State Legislative Assembly. But this exists only on paper in most Indian states including Tamil Nadu. No real-life implementation or publicly available sources of the reports are available and whether they actually submit the report to the State Legislative Assembly is a question nobody knows the answer to.

Emerging Patterns, Socio-Legal issues and Reforms Needed

The Status of Policing in India Report (SPIR) 2025 based on the interviews with 8,276 police officers from 17 states show that 91% of TN cops think 'custodial torture' is sometimes necessary. And 45% of police felt it was more important to solve a case "by any means rather than strictly following legal procedures". In terms of who supported this view the most, Tamil Nadu comes second to Gujarat with 56% officers who highly supported.¹²

The police brutality at Jantar Mantar in the recent protest in Delhi is concerning. It raises uncertainty whether the rights mentioned in the constitution are just merely words. Article 19(1)(a)¹³ of the constitution guarantees all citizens' right to speech and expression, and Article 19(2)(b)¹⁴ guarantees the right to assemble peaceably without arms. But what happened on the ground is far from what the constitution guarantees. It absolutely goes against democracy. The police resorted lathi charges, tear gas shelling and even pellet gun firing which according to the 7-member expert committee formed by the ministry of home affairs explicitly ruled in 2016 to be used only in the rarest of the rare cases which was not the case during this

¹² Lokniti, SPIR Report, 2025, <https://lokniti.org/content/spir-2025>, Last visited August 16 2026.

¹³ India Const. art. 19, cl. 1, subcl. a.

¹⁴ India Const. art. 19, cl. 1, subcl. b.

issue.¹⁵ According to official reports, more than 60 protesters were hurt by this.

Reform Suggestion

As already discussed, the Police Complaints authority should not wait until the media covers an issue to take action. A system that relies primarily on complaints may capture reported deviance rather than the actual prevalence of deviance. To show actual change the PCA must conduct fact finding exercises, Inspections, Monitoring like surveys district wise. Not once a year but throughout the year to identify any repeated police brutality. This may also be used to create a sense of accountability and fear in the hearts of such abusive officers of the police department.

Challenges in Implementation

Even after years of reforms, landmark cases, Supreme Court suggestions, etc., the influence of politics over the police department remains a major catalyst for promoting the police's socially detrimental actions. The bitter truth remains to be that the colonial idea of using police as instruments for controlling the citizens who raise against the government is still held high by the state's political parties. To bring about change in real life, a change in the mentality of the police is necessary. It can only be achieved by educating the police on how important their role is and how it affects the general public.

Conclusion

This study reveals a clear gap between the reforms introduced to ensure police accountability in Tamil Nadu and their implementation in practice.

Even as the Tamil Nadu Police (Reforms) Act, 2013, created institutions like the State Security Commission, and Police Complaints Authorities, the mere existence of these institutions is not a guarantee of effective accountability. A cursory glance at these bodies reveals that they are hardly visible to the general public, accessible or even effective in practice, and it is doubtful whether the spirit of reforms have been effectively translated into reality. Police accountability would certainly not be delivered through merely codifying measures like legislation alone.

It also demands independent oversight (without necessarily depending on lodging individual

¹⁵ Vedaant Lakhera, Frontline, The Hindu, <https://frontline.thehindu.com/politics/delhi-police-pellet-guns-sansad-chalo-protest/article71308918.ece>, August 10, 2026. Last visited August 16, 2026.

complaints), transparency in processes and procedures, expeditious investigation of complaints, public disclosure of inquiry reports, and implementation of the recommendations made through these processes.

Besides that, the police administration needs to be insulated from political influence so that accountability mechanisms function without bias. Consistent oversight, including review of the performance of police, and public sensitisation to the existence of avenues for complaint also would strengthen Public trust in Police. An effective accountability system would also have to acknowledge the fact that deviance on the part of police, does not necessarily remain an isolated act but would also affect the confidence of public in administration of justice as a whole. When complaints of excessive use of force, unlawful arrest and detention, violence, torture and custodial deaths do not lead to visible responses from the institutions, complaints authorities must make enough effort to look into ways to resolve them.

Thus, accountability should be seen not only as an disciplinary action which might only targets an individual police man but as essential feature of democratic police force. Therefore the study concludes that, emphasis must be now shifted from creating the institutions for accountability and to work as a responsible and a public friendly organisation which holds police accountable.

That may not be achieved by counting the institutions created for such purposes. The real indicator of success of police reform should be: "Can the individual access remedy where there has been a abuse of police power?" As existing legal frame in the form of Tamil Nadu Police (Reforms) Act is already there in state. Real change happens when we reduce the gap between reforms on paper and police accountability in practice.

Relevant Suggestion/ Recommendation: <https://www.thenewsminute.com/tamil-nadu/a-look-at-27-custodial-deaths-in-tamil-nadu-most-victims-were-poor-and-marginalised>.

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