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Police Accountability under the New Criminal Laws in India: A Critical Analysis of the BNSS, 2023 and BNS, 2023

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ABSTRACT

The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the Bharatiya Nyaya Sanhita, 2023 (BNS), which came into force on 1 July 2024, has altered the statutory framework governing criminal procedure and substantive criminal liability in India. Their significance for police accountability is substantial because the police occupy a dual position: they are empowered to investigate, arrest, search and maintain public order, yet they are also duty-bound to act within constitutional and statutory limits. This paper critically examines whether the new criminal laws strengthen the legal and institutional accountability of police personnel or primarily modernise the machinery through which police power is exercised. It analyses the BNSS provisions relating to arrest, access to legal assistance, information to relatives, audio-video recording of search and seizure, registration of information, preliminary inquiry, investigation and custodial oversight. It also considers the BNS provisions dealing with public servants who disobey legal directions, frame incorrect records, or cause injury through abuse of official position, alongside offences involving hurt to extract confessions and wrongful confinement. The paper situates these provisions within the constitutional guarantees of Articles 14, 21 and 22 and the Supreme Court's jurisprudence on arrest, custodial violence, fair investigation and police reform. It argues that the new framework contains meaningful transparency measures, but accountability remains fragmented and heavily dependent on police self-reporting, executive supervision and the willingness of victims to pursue remedies. The absence of a comprehensive, independent and adequately empowered police complaints architecture, together with practical concerns about implementation, training, forensic capacity and digital record integrity, limits the transformative potential of the reforms. The paper concludes with proposals for independent investigation of serious police misconduct, enforceable record-preservation duties, victim-centred complaint mechanisms and stronger judicial and legislative oversight.

Keywords: Police accountability; BNSS, 2023; BNS, 2023; custodial violence; arrest; fair investigation; constitutional safeguards; police reform.

1. INTRODUCTION

The legitimacy of a criminal justice system depends not only upon its capacity to detect and punish crime but also upon the manner in which state power is exercised during that process. Police officers are often the first point of contact between an individual and the criminal justice system. Their decisions concerning the registration of information, arrest, interrogation, search, seizure and collection of

evidence can determine whether a person receives the protection of law or is exposed to arbitrary coercion. Police accountability is therefore not a peripheral administrative concern; it is an essential condition of the rule of law.

The enactment of the BNSS, 2023 and the BNS, 2023, replacing substantial parts of the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860 respectively, provides an important occasion to reassess the legal controls placed upon police authority. The new laws came into force on 1 July 2024, subject to the applicable commencement notifications.[1] The BNSS reorganises criminal procedure and introduces or expands mechanisms involving electronic communication, audio-video recording and time-bound processes. The BNS consolidates substantive offences and retains specific criminal consequences for certain forms of misconduct by public servants.

Yet the question is not simply whether the new enactments contain additional safeguards. The more difficult question is whether those safeguards are capable of changing institutional behaviour. A statutory duty to record a search, for example, has limited value if the recording is incomplete, can be altered, is not preserved, or is not independently examined when a complaint is made. Likewise, criminalising misconduct does not ensure accountability if investigation of the allegation remains within the same institutional hierarchy as the officer complained against.

This paper advances three connected propositions. First, the BNSS strengthens procedural visibility at selected stages of police action, particularly through designated police officers, access to counsel, communication of arrest information and audio-video recording of searches and seizures. Secondly, the BNS provides a substantive route for prosecuting certain unlawful acts by public servants, but its provisions are not a complete code of police misconduct. Thirdly, the reforms must be read alongside constitutional law and binding judicial decisions, which continue to supply the normative standards of necessity, proportionality, fairness and independent oversight.

The paper is confined principally to the BNSS and BNS. The Bharatiya Sakshya Adhiniyam, 2023 is referred to only where necessary to explain the evidentiary significance of digital material. The analysis is doctrinal and critical: it examines statutory text, constitutional provisions, judicial precedent and selected official materials, rather than claiming to offer an empirical assessment of police practice across every State.

2. CONCEPTUAL AND CONSTITUTIONAL FOUNDATIONS OF POLICE ACCOUNTABILITY

2.1 Meaning and dimensions of accountability

Police accountability may be understood as the obligation of police institutions and individual officers to explain, justify and, where appropriate, answer for the legality and propriety of their conduct. It has at least four dimensions. Legal accountability concerns compliance with constitutional and statutory rules and the possibility of judicial remedies or criminal liability. Administrative accountability operates through departmental discipline, supervision and internal review. Democratic accountability requires

1Ministry of Home Affairs, Government of India, Notification S.O. 850(E), dated 23 February 2024, appointing 1 July 2024 as the date on which the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023 came into force, subject to the notification's stated exception. See also India Code, The Bharatiya Nagarik Suraksha Sanhita, 2023, Act No. 46 of 2023; The Bharatiya Nyaya Sanhita, 2023, Act No. 45 of 2023.

oversight by elected institutions and publicly accessible information. Social accountability concerns the ability of individuals, communities, civil society and independent bodies to raise complaints and obtain meaningful responses.

These dimensions are complementary rather than interchangeable. Departmental action may address negligence or breach of service discipline, but it cannot substitute for criminal prosecution where conduct amounts to an offence. Judicial review may remedy an unlawful arrest or detention, but it does not necessarily identify institutional causes. Public disclosure may expose patterns, but without an effective complaints process it may not produce redress. A credible accountability framework must therefore combine prevention, detection, investigation, adjudication, sanction and remedy.

2.2 Constitutional limits on police power

Article 14 of the Constitution prohibits arbitrary state action and requires public power to be exercised on a non-arbitrary basis. Article 21 protects life and personal liberty and requires that any deprivation of liberty follow a procedure that is just, fair and reasonable. Article 22 provides specific protections in relation to arrest and detention, including communication of grounds of arrest and production before a magistrate within the constitutionally prescribed period, subject to its stated exceptions. These provisions apply to police action at every stage, not merely at trial.

In Maneka Gandhi v. Union of India, the Supreme Court rejected the idea that a procedure depriving liberty could be valid merely because it had been enacted by law; the procedure must be fair, just and reasonable.[2] D.K. Basu v. State of West Bengal subsequently articulated safeguards designed to reduce custodial abuse, including identification of arresting personnel, preparation of arrest documentation, communication to relatives and medical examination.[3] These decisions establish that procedural safeguards are not technical formalities. They are constitutional restraints upon coercive power.

The right against arbitrary arrest is also connected to the presumption of innocence and the principle that arrest should not become a routine instrument of investigation or punishment. In Joginder Kumar v. State of Uttar Pradesh, the Court emphasised that the existence of a legal power to arrest does not by itself justify its exercise.[4] In Arnesh Kumar v. State of Bihar, it directed police officers and magistrates to apply statutory necessity requirements rather than mechanically authorising arrest and detention.[5] The BNSS must be interpreted consistently with these constitutional principles.

3. THE BNSS, 2023: PROCEDURAL SAFEGUARDS AND POLICE ACCOUNTABILITY

3.1 Arrest powers and the requirement of necessity

Section 35 of the BNSS governs the circumstances in which police may arrest without a warrant. In cases involving cognizable offences punishable with imprisonment of up to seven years, the provision requires the officer to have reason to believe that the person committed the offence and to be satisfied that arrest is necessary for one or more specified purposes. The officer must record reasons for making the arrest and, where arrest is not required, reasons for not making it.[6] This structure is important because it recognises that arrest is not an automatic consequence of an accusation.

2Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
3D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.
4Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260.
5Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273.
6The Bharatiya Nagarik Suraksha Sanhita, 2023, s. 35.

The provision retains the central logic of the earlier section 41 of the Code of Criminal Procedure, 1973, while placing the necessity assessment within the new procedural code. Its effectiveness will depend upon the quality of recorded reasons and the scrutiny applied by the supervisory officer and magistrate. A formulaic statement that arrest is necessary for investigation cannot satisfy the statutory purpose. Reasons should be specific to the facts, capable of review and connected to the risks identified in the provision.

Section 36 prescribes the procedure of arrest and duties of the arresting officer, while section 37 provides for a designated police officer in every district and police station to maintain and display information regarding arrested persons. Section 38 recognises the right of an arrested person to meet an advocate of their choice during interrogation, though not throughout the interrogation.[7] These provisions may improve traceability and access to legal assistance. However, the practical value of the right to meet counsel depends upon prompt access, private consultation where appropriate, and the absence of intimidation or retaliation.

Sections 47 and 48 require communication of the grounds of arrest and information about the arrest to a relative, friend or other nominated person, subject to the statutory framework. Section 56 places an express obligation concerning the health and safety of the arrested person. Sections 57 and 58 regulate production before the appropriate authority and detention beyond twenty-four hours.[8] Read together, these provisions create a sequence of duties that can be audited: the reason for arrest, the identity of the officer, notification, access to counsel, medical attention and timely judicial production.

A significant concern nevertheless remains. The statutory safeguards largely depend on contemporaneous records prepared or maintained by police personnel. The arrested person may be least capable of challenging an inaccurate record at the time it is created. Independent access to arrest memoranda, medical records and station diaries, subject to legitimate privacy and investigation restrictions, is therefore central to effective review.

3.2 Audio-video recording of search and seizure

Section 105 of the BNSS requires the process of search and seizure, including the preparation of the list of seized articles and the signatures of witnesses, to be recorded through audio-video electronic means, preferably by mobile phone. The recording is to be forwarded without delay to the prescribed magistrate or executive authority.[9] This is one of the clearest transparency-oriented provisions in the new procedural framework.

The provision can reduce disputes about the place, time, manner and scope of a search. It may also deter planting or substitution of articles and strengthen the evidentiary record. Its promise, however, depends on reliable implementation. The law must be supported by standard operating procedures concerning continuous recording, device metadata, time-stamping, secure upload, access logs, retention periods, chain of custody and preservation of original files. A recording that begins after the search has commenced, or is interrupted at a critical point without explanation, may provide only an appearance of transparency.

The provision should not be treated as self-executing. Courts should be able to examine whether recording was practicable, whether any interruption was explained, whether the original file was

7Id., ss. 36–38.
8Id., ss. 47–48, 56–58.
9Id., s. 105.

preserved and whether the person affected by the search was given a fair opportunity to challenge its integrity. Non-compliance should attract a reasoned judicial assessment of its impact on reliability and fairness, rather than either automatic exclusion in every case or complete indifference to the breach.

3.3 Registration of information and preliminary inquiry

Section 173 of the BNSS governs information in cognizable cases. It permits information to be given irrespective of the area where the offence was committed and recognises electronic communication, subject to the statutory requirement for signature within the prescribed period. The provision also contemplates a preliminary inquiry, with prior permission of an officer not below the rank of Deputy Superintendent of Police, in specified cases involving offences punishable with imprisonment of three years or more but less than seven years, to ascertain whether a prima facie case exists; the inquiry is to be completed within fourteen days.[10]

The provision must be understood in light of Lalita Kumari v. Government of Uttar Pradesh, where the Supreme Court held that registration of an FIR is mandatory when information discloses a cognizable offence, while recognising limited categories in which a preliminary inquiry may be permissible.[11] The BNSS now provides a statutory framework for a defined preliminary inquiry in the specified punishment range. The risk is that this discretion may be used to delay registration, discourage complainants or filter out allegations before a proper investigation begins.

Safeguards should therefore include written reasons for initiating the preliminary inquiry, disclosure of its commencement to the informant, strict observance of the fourteen-day limit, supervisory review and a recorded outcome. The inquiry should not become a covert substitute for investigation or a device to assess the credibility of a complainant before the legal duty to register information is fulfilled.

3.4 Magistrate oversight and investigation

Section 175 of the BNSS deals with police power to investigate cognizable cases and provides for an application to a magistrate in the circumstances specified by the section. The statutory framework requires judicial scrutiny where a magistrate is asked to order investigation, including consideration of the prescribed material and affidavit-related requirements.[12] This mechanism is important because it offers a route to judicial intervention where police inaction or refusal to investigate is alleged.

Section 176 regulates the procedure for investigation, while section 193 addresses the police report on completion of investigation and requires investigation to be completed without unnecessary delay. Section 193 also prescribes a two-month completion period for investigation of specified sexual offences under the BNS and the Protection of Children from Sexual Offences Act, 2012.[13] Time limits can protect victims from indefinite delay, but they must not encourage superficial investigation, coerced statements or premature closure. Speed and fairness are not competing values; a well-resourced investigation can serve both.

The magistrate's role is not to conduct the investigation but to ensure that statutory duties are not rendered meaningless. Judicial oversight is particularly significant where the allegation concerns police misconduct, custodial injury or manipulation of records. In such cases, an investigation by the same

10Id., s. 173.

11Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1.

12The Bharatiya Nagarik Suraksha Sanhita, 2023, s. 175.

13Id., ss. 176 and 193.

police unit or officers connected with the alleged wrongdoing may create an appearance, and sometimes a reality, of institutional conflict.

3.5 Custody, remand and the risk of extended police control

Section 187 of the BNSS governs detention when investigation cannot be completed within the prescribed period. It retains the overall statutory limits linked to the seriousness of the offence but modifies the manner in which police custody may be authorised, allowing the period of police custody to be taken in parts within the initial period of detention specified by the section.[14] This flexibility may assist investigation in complex cases, but it also raises concerns about prolonged exposure to police control and the possibility of coercive interrogation.

The constitutional significance of judicial remand is that custody must remain subject to meaningful judicial control. A magistrate should not treat the police request as a routine administrative formality. The reasons for seeking custody, the necessity of further interrogation, the condition of the accused, access to counsel and medical indicators of injury should be examined. The statutory flexibility must be administered consistently with Article 21 and the safeguards in D.K. Basu.

The risk is not that every exercise of police custody will result in abuse. It is that wider temporal flexibility, without robust and independent monitoring, may increase the opportunity for abuse in cases where safeguards are weak. Recording the reasons for each period of police custody, ensuring prompt medical examination and preserving interrogation-related records are necessary counterweights.

4. THE BNS, 2023: SUBSTANTIVE CRIMINAL LIABILITY FOR OFFICIAL MISCONDUCT

4.1 Offences by or relating to public servants

The BNS contains a separate chapter on offences by or relating to public servants. Section 198 criminalises a public servant's knowing disobedience of a direction of law, where the conduct is accompanied by the requisite intention or knowledge of likely injury to a person. Section 199 addresses specified forms of disobedience by a public servant, including disobedience of legal directions in the circumstances described by the provision. Section 201 concerns a public servant framing an incorrect document or electronic record with intent to cause injury or knowing that injury is likely.[15]

These provisions are relevant to police accountability because police officers are public servants and may, depending on the facts and statutory ingredients, incur liability for deliberate disobedience of legal duties or fabrication of official records. The recognition of electronic records is especially significant in a procedural environment increasingly dependent on digital evidence, case diaries, electronic communications and audio-video files.

However, these offences should not be overstated. They do not create a comprehensive offence of police misconduct, nor do they automatically criminalise every procedural irregularity. The prosecution must establish the ingredients specified in the relevant section, including the required mental element. Negligence, poor training, administrative failure and deliberate abuse may require different legal responses. A sound accountability system must distinguish between them without allowing intentional misconduct to be disguised as mere error.

14Id., s. 187.

15The Bharatiya Nyaya Sanhita, 2023, ss. 198–201.

4.2 Hurt, coercion and wrongful confinement

The BNS also retains substantive offences relevant to coercive police conduct. Section 120 addresses voluntarily causing hurt or grievous hurt to extort a confession or information, or to compel restoration of property or satisfaction of a claim. The provisions on wrongful restraint and wrongful confinement may also apply where a person is unlawfully restricted by an officer acting beyond legal authority.[16] These offences are important because custodial violence is not merely a breach of service discipline; it may constitute a serious criminal wrong.

The existence of penal provisions, however, does not by itself overcome the evidentiary and institutional difficulties associated with custodial abuse. The victim may be in the control of the alleged perpetrators; injuries may be undocumented; CCTV or station records may be unavailable; witnesses may be reluctant; and the investigation may be conducted by colleagues of the accused officer. The problem is therefore not only the definition of offences but also the independence and credibility of the process through which allegations are investigated.

4.3 Sanction and barriers to prosecution

The BNS must also be read alongside procedural provisions governing prosecution of public servants. Section 218 of the BNSS deals with the requirement of previous sanction in specified circumstances involving judges and public servants, subject to the terms and exceptions of the provision.[17] The protection of honest public officials from vexatious prosecution is a legitimate objective. Yet sanction requirements must not be converted into an institutional shield for serious abuse.

A principled approach requires a careful distinction between acts reasonably connected with official duty and conduct that is plainly outside the lawful performance of that duty. Torture, fabrication of evidence, deliberate illegal detention or assault for extracting a confession cannot be legitimised merely because the actor was wearing a uniform or was on duty. The statutory test must be applied with close attention to the nature of the act and the connection claimed with official functions.

5. JUDICIAL CONTROL AND THE CONTINUING RELEVANCE OF POLICE-REFORM JURISPRUDENCE

5.1 Custodial safeguards and accountability

In D.K. Basu, the Supreme Court recognised that custodial violence strikes at the rule of law and laid down safeguards to make arrest and detention more transparent. The judgment also recognised the availability of public law compensation in appropriate cases of violation of fundamental rights.[18] The BNSS's provisions on arrest information, designated police officers, health and safety, and audio-video documentation should be understood as statutory developments within this constitutional trajectory, not as replacements for it.

In Nilabati Behera v. State of Orissa, the Court affirmed that compensation may be awarded in public law for established violations of Article 21, while distinguishing such constitutional relief from private law remedies.[19] This is particularly relevant because criminal prosecution of an individual officer may

16Id., s. 120; see also the provisions relating to wrongful restraint and wrongful confinement in the BNS.

17The Bharatiya Nagarik Suraksha Sanhita, 2023, s. 218.

18D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

19Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.

be slow or unsuccessful, whereas constitutional compensation can provide a distinct form of redress. The availability of one remedy should not extinguish the others.

5.2 Fair investigation as a constitutional requirement

The Supreme Court has repeatedly treated fair investigation as an essential component of a fair criminal process. In Pooja Pal v. Union of India, the Court emphasised that the right to a fair investigation is part of the constitutional commitment to justice and that an investigation must inspire confidence.[20] In State of West Bengal v. Committee for Protection of Democratic Rights, the Court recognised the constitutional power of the High Courts and Supreme Court to direct investigation by the Central Bureau of Investigation, notwithstanding the absence of State consent, in exceptional cases.[21]

These decisions are relevant where police officers are themselves the subject of allegations. Independence is not a luxury in such cases; it is a condition of credibility. A system in which the accused officer's colleagues control the collection of evidence, witness statements and forensic material risks undermining public confidence even before the merits are determined.

5.3 Structural police reform: Prakash Singh

In Prakash Singh v. Union of India, the Supreme Court issued directions intended to insulate policing from undue political influence and improve professional accountability. The directions included the establishment of State Security Commissions, transparent procedures for selection and tenure of senior police officers, separation of investigation from law-and-order functions, Police Establishment Boards and Police Complaints Authorities at State and district levels.[22]

The significance of Prakash Singh is that police accountability cannot be achieved only by regulating individual encounters between police and citizens. It also requires institutional design. An officer working under political pressure, inadequate staffing, arbitrary transfers and weak supervisory structures may be more vulnerable to improper influence. Conversely, institutional autonomy without external accountability can produce an unanswerable police force. The objective is not unchecked independence but operational independence combined with transparent oversight.

The BNSS and BNS do not replace the structural reforms contemplated in Prakash Singh. They primarily regulate procedure and define offences. Their implementation must therefore be assessed alongside the status and effectiveness of State and district Police Complaints Authorities, the independence of investigation, and the extent to which States have complied with the Supreme Court's directions.

6. CRITICAL EVALUATION: ACHIEVEMENTS AND LIMITATIONS OF THE NEW FRAMEWORK

6.1 A shift towards traceability, but not necessarily independent scrutiny

The new laws make several police actions more traceable. The designated officer under section 37, the right to meet an advocate under section 38, the communication duties under sections 47 and 48, and audio-video recording under section 105 may create records against which official conduct can be tested. This is a meaningful improvement in the architecture of procedural visibility.

20Pooja Pal v. Union of India, (2016) 3 SCC 135.

21State of West Bengal v. Committee for Protection of Democratic Rights, (2010) 3 SCC 571.

22Prakash Singh v. Union of India, (2006) 8 SCC 1.

Yet traceability and accountability are not identical. A record may establish what the police say occurred without independently proving that it occurred in that manner. Effective accountability requires independent access to records, reliable preservation, a duty to disclose relevant material to courts and affected persons, and consequences for deliberate destruction or manipulation. Without these elements, digitisation may simply transfer old institutional weaknesses into a new technological format.

6.2 The gap between legal rights and practical access

A person who is arrested may formally possess the right to meet an advocate, but practical access can be affected by poverty, distance, language barriers, lack of legal aid, fear of retaliation and limited awareness of rights. Similarly, a family may be entitled to information about an arrest but may not know which police station holds the person. The designated-officer mechanism can assist, but it requires accurate, timely and publicly accessible information.

Legal aid institutions should therefore be integrated into arrest procedures. A standardised notice of rights in a language understood by the arrested person, prompt intimation to legal services authorities, and a verifiable record of access to counsel would make the statutory safeguards more effective. Special attention is needed for children, persons with disabilities, persons with limited literacy and individuals from marginalised communities.

6.3 Custodial violence and the problem of self-investigation

The most serious weakness in police accountability remains the investigation of allegations against police personnel. Internal inquiry may be necessary for immediate administrative purposes, but it should not be the sole mechanism for investigating serious allegations such as custodial death, torture, sexual violence, fabrication of evidence or deliberate illegal detention. The institutional conflict is obvious where the same force controls the scene, records, witnesses and initial investigation.

The BNSS contains procedural provisions for inquiry into specified custodial deaths and related circumstances, including a magistrate-led inquiry framework.[23] This is important, but it does not amount to a complete independent complaints system. The law should ensure prompt preservation of CCTV footage, station diaries, medical records, call data and digital material; immediate access for the family to relevant procedural information; and investigation by an agency institutionally independent of the officers and unit concerned.

6.4 Digital evidence: opportunity and vulnerability

The new procedural framework places greater emphasis on electronic communication and audio-video records. This can strengthen transparency, but it also creates new vulnerabilities: selective recording, loss of metadata, unauthorised editing, poor device security, inconsistent retention practices and unequal access to digital infrastructure. A robust digital accountability system requires technical standards and independent audit, not merely a statutory direction to record.

The evidentiary framework under the Bharatiya Sakshya Adhiniyam, 2023 must also be considered when digital records are tendered in court. Authentication, integrity and chain of custody are central to the probative value of such material. Police accountability will be weakened if digital records are treated as inherently reliable simply because they are electronic.

6.5 Criminal liability is not a substitute for institutional prevention

The BNS provisions on public servants and coercive conduct are important, but criminal prosecution is ordinarily retrospective. It operates after harm has occurred and depends on proof beyond reasonable

23The Bharatiya Nagarik Suraksha Sanhita, 2023, s. 196.

doubt. A comprehensive system must also prevent abuse through training, supervision, transparent performance standards, independent complaint review, whistle-blower protection and meaningful remedies. Criminal liability should be one component of accountability, not its entire content.

6.6 Federal variation and uneven implementation

Policing is a State subject under the constitutional distribution of legislative powers, while criminal procedure and criminal law operate within the relevant entries of the Concurrent List. Implementation of the new laws therefore takes place across States with different levels of staffing, forensic capacity, training, technology and institutional oversight. Uniform statutory text does not guarantee uniform implementation. States must publish implementation rules, training standards, compliance data and independent audit findings in a manner that permits meaningful public scrutiny.

7. RECOMMENDATIONS FOR A MORE EFFECTIVE ACCOUNTABILITY FRAMEWORK

1. **Independent investigation of serious allegations:** Every allegation involving custodial death, torture, sexual violence, fabricated evidence or deliberate unlawful detention should trigger prompt preservation of evidence and investigation by an agency institutionally independent of the police unit concerned. The complainant and family should be informed of the investigating authority and progress, subject to legitimate confidentiality restrictions.
2. **Strengthening Police Complaints Authorities:** State and district Police Complaints Authorities contemplated in Prakash Singh should be made operational, adequately funded and accessible. Their jurisdiction should cover serious misconduct, with power to require records, protect complainants and witnesses, recommend disciplinary action and refer evidence of offences for criminal investigation. Their annual reports should be laid before the legislature.
3. **Mandatory digital-recording standards:** The Union and States should adopt uniform standards for recording searches, seizures and other prescribed police interactions. Standards should address continuous recording, time-stamping, metadata, secure transfer, tamper-evident storage, access logs, retention and disclosure. Any interruption should be explained in a contemporaneous written record.
4. **Auditable arrest and remand records:** Arrest documentation should contain individualised reasons, time and place of arrest, identity of officers, notification details, medical examination, access to counsel and each request for police custody. Magistrates should record their independent satisfaction when authorising police custody, rather than reproduce the investigating officer's request.
5. **Accessible legal assistance:** Legal Services Authorities should be notified promptly of arrests, and arrested persons should receive a rights notice in a language and format they understand. Access to counsel should be practical and timely, including for persons who cannot afford private representation.
6. **Protection of complainants and witnesses:** Persons alleging police misconduct should have access to confidential complaint channels, protection against intimidation and retaliation, and clear information about available remedies. Witnesses from within the police force should be protected when reporting unlawful conduct.
7. **Disaggregated public reporting:** States should publish anonymised data on custodial deaths, injuries, complaints, preliminary inquiries, disciplinary outcomes, prosecutions, convictions, compensation and compliance with recording duties. Data should be disaggregated sufficiently to identify patterns while protecting personal information.

8. **Training and institutional incentives:** Police training should integrate constitutional rights, interrogation standards, gender sensitivity, disability awareness, forensic integrity and the legal consequences of fabrication or coercion. Performance evaluation should reward lawful investigation and quality of evidence, not arrest or confession numbers.
9. **Effective remedies and judicial scrutiny:** Courts should adopt reasoned approaches to breaches of statutory safeguards, including adverse inferences where appropriate, directions for independent investigation, compensation in public law and referral for prosecution where evidence warrants it. Remedies should be tailored to the nature and consequence of the breach.
10. **Legislative review after implementation:** Parliament and State legislatures should periodically review the practical operation of the new laws using independent data, stakeholder consultation and reports from oversight bodies. A statutory review mechanism would allow implementation gaps to be identified and corrected.

8. CONCLUSION

The BNSS, 2023 and the BNS, 2023 mark a significant legislative transition in India's criminal justice framework. For police accountability, the BNSS introduces or consolidates procedural safeguards that can make arrest, search, seizure, investigation and custody more visible to judicial and public scrutiny. The BNS preserves and reorganises criminal liability for specified forms of misconduct by public servants and coercive conduct. These developments should be acknowledged as meaningful steps towards a more transparent criminal process.

Nevertheless, the existence of statutory safeguards should not be confused with the achievement of accountability. The new framework continues to rely heavily on records generated by the police, supervisory structures within the executive and remedies that may be difficult for vulnerable individuals to invoke. It does not, by itself, resolve the structural problem of investigating serious allegations against members of the same institution. Nor does it ensure that digital records will be complete, secure and independently verifiable.

The constitutional standards articulated in Maneka Gandhi, D.K. Basu, Joginder Kumar, Arnesh Kumar and the structural directions in Prakash Singh remain indispensable. They require the State to justify coercive action, protect personal liberty, ensure fair investigation and establish institutions capable of holding police personnel answerable. The new enactments should be interpreted as instruments for advancing these commitments, not as a reason to dilute them.

Ultimately, police accountability is measured not by the number of safeguards written into legislation but by whether an ordinary person can invoke those safeguards without fear, whether evidence of misconduct is preserved and independently examined, and whether wrongdoing results in effective consequences and redress. The promise of the new criminal laws will be realised only when procedural modernisation is accompanied by institutional independence, public transparency and a rights-centred culture of policing.

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