

IN THE SUPREME COURT OF INDIA

(PUBLIC INTEREST LITIGATION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)
WRIT PETITION (CIVIL) NO. ____ OF 2025

IN THE MATTER OF:
Bharat Bhushan (Bharat Luthra)
Versus
UNION OF INDIA & OTHERS (Respondents)

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION
OF INDIA

SEEKING DIRECTIONS TO REFORM POLICE INVESTIGATION BY
ENSURING TRANSPARENCY, ACCOUNTABILITY, AND PREVENTION OF
POLICE ABUSE THROUGH STRUCTURAL, TECHNOLOGICAL, AND
LEGISLATIVE MEASURES

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. PREFACE

1.1. The Petitioner files this Writ Petition under Article 32 of the Constitution of India, seeking the urgent and necessary intervention of this Hon'ble Court to reform the manner in which police investigations are conducted, particularly where arbitrary and unchecked police powers have contributed to glaring injustices and violations of fundamental rights.

1.2. Despite constitutional safeguards under Article 14 (Right to Equality), Article 21 (Right to Life and Personal Liberty), and Article 22 (Protection Against Arbitrary Detention), numerous cases in India reveal that police officers sometimes manipulate or destroy evidence, coerce witnesses, or file false charges to shield the powerful or to settle personal or political scores.

1.3. In the absence of robust oversight, these actions lead to wrongful convictions, delayed justice, and an erosion of public trust. The Petitioner, aware of the principle of separation of powers, respectfully emphasizes that the judiciary cannot and should not create legislation. However, this Hon'ble Court can and must direct the executive or appropriate authorities to implement urgently required reforms when the failure of executive functions infringes upon fundamental rights.

1.4. Therefore, this Petition prays for independent oversight bodies, real-time digital surveillance, blockchain-based record-keeping, strict legal penalties for erring officers, and mandatory forensic-driven crime scene management under judicial scrutiny to ensure that due process and citizens' rights remain protected.

2. FACTUAL BACKGROUND

2.1. Across India, alarming instances of police overreach—ranging from fabrication of evidence to coercive interrogations—have come to light. Crimes involving rape, custodial deaths, corruption, and high-profile murders often reflect patterns of investigative tampering and partisan influence.

2.2. Multiple government-appointed committees, judicial commissions, and independent legal experts have repeatedly called for structural reforms—such as independent investigative authorities, external supervision, and rigorous accountability measures—but these recommendations have not been comprehensively implemented.

2.3. The Petitioner submits that the persistent failure to adopt crucial reforms points to an entrenched lack of transparency and oversight, which not only tarnishes India's criminal justice system but also undermines the rule of law.

3. BREACH OF FUNDAMENTAL RIGHTS

3.1. The unchecked discretionary power of the police violates the following constitutionally guaranteed rights:

- **Article 14 (Right to Equality):** Arbitrary targeting or preferential treatment in investigations.
- **Article 21 (Right to Life and Personal Liberty):** Wrongful detentions, torture, or fatal custodial violence.
- **Article 22 (Protection Against Arbitrary Detention):** Deprivation of due process and lack of immediate legal remedies.

3.2. Judicial pronouncements from this Hon'ble Court have consistently underscored the need for procedural fairness in criminal investigations. Yet, the current investigation framework, with minimal external and judicial checks, effectively permits police officers to circumvent accountability.

3.3. As the ultimate guardian of fundamental rights, this Hon'ble Court is vested with the power—and the duty—under Article 32 to intervene when there is systemic infringement of these rights by the executive.

4. RESPECT FOR SEPARATION OF POWERS

4.1. **Judicial Restraint and Executive Responsibility:** The Petitioner respectfully acknowledges that the judiciary ought not usurp the legislative function or micromanage executive agencies. However, where constitutional rights are threatened or systematically ignored, it is incumbent on the judiciary to direct the relevant authorities—be they the Central or State Governments—to fulfill their obligations and correct systemic failures.

4.2. Necessity of Judicial Intervention:

- When fundamental rights enshrined under Part III of the Constitution are undermined, this Hon'ble Court's extraordinary jurisdiction under Article 32 is activated. The judiciary then has not only the power but the constitutional responsibility to ensure that the executive does not stray beyond its constitutional limits.
- The Petitioner does not seek the promulgation of new laws through judicial fiat but requests that this Hon'ble Court direct the executive to take urgent remedial measures in light of the systemic abuses of investigative power.

4.3. **Preventing Judicial Overreach:** In addressing police misconduct and investigatory abuses, this Petition aims to reinforce, not disturb, the constitutionally prescribed balance of powers. By issuing clear guidelines and deadlines for implementing proposed reforms, the judiciary upholds the rule of law without overstepping into legislative prerogatives.

4.4. **Striking the Balance:** Where police and the executive fail to safeguard fundamental rights, or where existing laws are insufficiently enforced or misused, a judicial directive becomes imperative. The recommended steps in this Petition—establishing oversight bodies, mandating technology-based accountability (like body-worn cameras and blockchain logs), and enforcing strict penalties for misconduct—are within the permissible scope of judicial oversight, especially to ensure that constitutional mandates and earlier rulings of this Hon'ble Court are effectively implemented.

5. PUBLIC REPORTS & GOVERNMENT FINDINGS

5.1. **NCRB Report (2019):** Documented over 1,800 custodial deaths in a decade, many of which lacked impartial investigations, casting doubt on transparency in cases involving police brutality.

5.2. **Justice Verma Committee Report (2013):** Specifically recommended police reforms for handling sexual assault cases, highlighting the urgent necessity of unbiased investigation and victim-centric procedures. However, many recommendations remain unimplemented.

5.3. **Law Commission Report on Witness Protection (2018):** Found that police intimidation and collusion were principal barriers to fair and effective trials, making the case for independent oversight of police actions during the investigation phase.

5.4. The Petitioner contends that these reports collectively illustrate a pressing need for holistic reforms to curb police abuse and guarantee the citizenry's faith in the rule of law.

6. DATA TRENDS ON POLICE MISCONDUCT

6.1. Statistical data and academic research reveal pervasive investigative flaws:

- **Evidence Tampering:** Over 70% of wrongful conviction cases involve allegations of manipulated or fabricated evidence.
- **Custodial Torture:** More than 60% of custodial torture incidents are never fully investigated due to systemic police influence.
- **Missing Persons & FIR Mismanagement:** Lack of prompt FIR registration and subpar forensic procedures often result in unresolved cases, fueling suspicion and public discontent.

6.2. **Sources of Data:** These data points are drawn from a variety of publications by the **National Crime Records Bureau (NCRB)**, studies by the **Commonwealth Human Rights Initiative (CHRI)**, as well as academic research conducted by leading national law universities. Such sources consistently highlight systemic gaps in police accountability, evidentiary management, and oversight mechanisms.

6.3. These patterns demonstrate that existing accountability mechanisms fall short, necessitating robust institutional frameworks to ensure that the fundamental rights of the accused and the victims are safeguarded at every stage of investigation.

7. CASE STUDIES ON POLICE MISCONDUCT

7.1. **Rajasthan Custodial Death Case (2021):** Allegations that forensic evidence was manipulated to shield police officers.

7.2. Hathras Rape Case (2020): Serious accusations of evidence tampering and mishandling of the crime scene, illustrating a lack of transparent investigative protocols.

7.3. Ishrat Jahan Encounter Case (2004): Investigations revealed fabricated police reports, implicating senior officers and highlighting the fragility of accountability mechanisms.

7.4. Unnao Rape Case (2017): Involving political intimidation and delayed FIRs, underscoring police bias.

7.5. Kathua Rape Case (2018): Allegations of deliberate attempts by officials to derail the forensic process.

7.6. Vikas Dubey Encounter (2020): Raised concerns about extrajudicial killings and contradictory police narratives.

7.7. Chhattisgarh Bijapur Encounter (2021): Civil society called into question alleged falsified encounter details in a sensitive conflict zone.

7.8. Kolkata Rape and Murder Case (2024): Public outcry erupted when local residents and victim's advocates alleged grave police inaction and mismanagement of crucial forensic evidence. This led to demands for an independent investigation after contradictory statements and delayed forensic analyses created widespread mistrust of the local police's integrity.

Each of these cases underscores the urgent need for formalized oversight structures and transparent investigative procedures to prevent miscarriages of justice.

8. LEGAL PRECEDENTS

8.1. D.K. Basu v. State of West Bengal (1997) 1 SCC 416: Provided guidelines for preventing custodial torture, placing the onus on police to maintain transparency in custody.

8.2. Prakash Singh & Ors. v. Union of India & Ors. (2006) 8 SCC 1: Directed States to initiate key police reforms, such as fixed tenures for senior officers and insulating police from political interference.

8.3. State of M.P. v. Shyamsunder Trivedi (1995) 4 SCC 262: Recognized the prevalence of custodial violence and underlined the necessity for impartial inquiries into police brutality.

8.4. Nilabati Behera v. State of Orissa (1993) 2 SCC 746: Held that custodial deaths are violations of Article 21, warranting both punitive action against perpetrators and compensation to victims' families.

8.5. Joginder Kumar v. State of U.P. (1994) 4 SCC 260: Emphasized that arrests must never be routine; the police must provide clear justification for depriving an individual of liberty.

8.6. The Petitioner asserts that these landmark rulings, read alongside the Constitution's guarantees, reinforce the judiciary's obligation to ensure that the executive's investigative apparatus respects fundamental rights.

9. GLOBAL POLICE REGULATION PRACTICES

9.1. **United Kingdom (Independent Office for Police Conduct – IOPC):** Maintains operational independence from the police, with the power to investigate and recommend disciplinary actions.

9.2. **United States (Civilian Review Boards, Body-Worn Cameras):** Federal consent decrees can compel dysfunctional police departments to adopt strict reforms under ongoing judicial supervision.

9.3. **Canada (Special Investigations Unit – SIU):** Conducts independent inquiries into incidents involving death or serious injury, ensuring unbiased investigations.

9.4. **Australia (Law Enforcement Conduct Commission – LECC):** Empowers independent, proactive oversight, audits of law enforcement practices, and direct handling of misconduct complaints.

9.5. **Germany (Prosecutorial Oversight):** Prosecutors hold direct authority over investigations of serious police misconduct, backed by advanced chain-of-custody protocols to safeguard forensic integrity.

9.6. These models reflect a common theme: external oversight, digital record-keeping, and stringent penalties for tampering, all of which are vital to preserving the credibility of police forces. India, given its democratic foundation and constitutional imperatives, can similarly strengthen public trust by adopting best practices tailored to its unique socio-legal context.

10. PRAYER

In these premises, it is most respectfully prayed that this Hon'ble Court may be pleased to:

A. Issue an appropriate writ, order, or direction to the Union of India and all State Governments requiring the establishment of **independent multi-agency investigative bodies** for serious crimes such as rape, murder, custodial deaths, and police misconduct, ensuring unbiased inquiry free from local pressures.

B. Mandate the use of body-worn cameras for police officers, particularly for Station House Officers (SHOs) and investigative officers, to record crime scene investigations. Further direct

the secure storage of such footage, accessible to judicial authorities for oversight and verification.

C. Enforce strict legal penalties (a minimum of 10-year imprisonment and dismissal from service) for any police officer found to be fabricating or tampering with evidence, intimidating witnesses, or deliberately compromising crime scene integrity.

D. Ensure judicial supervision in all serious criminal cases by requiring that forensic reports, chain-of-custody documents, and digital crime scene recordings be submitted **directly to judicial magistrates** before being accessed by police or other executive agencies.

E. Direct the implementation of blockchain-based case management systems across police and forensic departments, to guarantee tamper-proof digital records of FIRs, evidentiary documents, and investigation logs.

F. Establish an Independent Police Oversight Body at the national and state levels, with the statutory authority to:

- Receive and act upon complaints of police misconduct.
- Conduct regular performance audits of police stations and investigating officers.
- Refer egregious cases directly for prosecution or departmental sanctions.

G. Pass any such other order(s) as this Hon'ble Court deems fit in the larger interest of justice, transparency, and the protection of constitutional rights.

11. CONCLUSION

11.1. The Petitioner humbly reiterates that persistent and systemic police misconduct—manifested in evidence tampering, biased investigations, coerced confessions, and widespread misuse of discretionary powers—violates the bedrock principles of the Constitution. Far from infringing on legislative prerogatives, the Petitioner seeks this Hon'ble Court's guidance to compel the executive to uphold constitutional duties and to protect citizens' fundamental rights.

11.2. By employing independent oversight, cutting-edge technology, and stringent legal accountability, the proposed reforms would serve as a decisive step toward restoring the public's faith in the rule of law. The Petitioner respectfully requests that this Hon'ble Court exercise its jurisdiction to ensure that executive inertia or partiality does not vitiate the fundamental guarantees of the Constitution.

11.3. The Petitioner, therefore, most earnestly prays that this Hon'ble Court be pleased to allow this Petition and grant the reliefs prayed for.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

Petitioner's Name & Address

Bharat Bhushan

Date: //2025

Place: New Delhi

DRAFTED BY:

(Advocate's Name & Signature)

FILED BY:

(Advocate on Record for the Petitioner)

SOURCES:

1. Data Trends and Public Reports:

- **National Crime Records Bureau (NCRB) Reports:**

- *Custodial Deaths:* The NCRB's "Crime in India 2019" report documents custodial deaths and related statistics.
 - <https://ruralindiaonline.org/en/library/resource/crime-in-india-2019-volume-iii/>
- *Crime Statistics:* Comprehensive crime data, including offenses against women and custodial incidents, are available on the NCRB's official portal.
 - <https://data.gov.in/ministrydepartment/National%20Crime%20Records%20Bureau%20%28NCRB%29>

- **Justice J.S. Verma Committee Report (2013):**

- This seminal report addresses amendments to criminal law concerning sexual offenses and systemic reforms.
 - <https://spuwac.in/pdf/jsvermacommittereport.pdf>

- **National Campaign Against Torture (NCAT) Report (2019):**

- The NCAT report highlights custodial deaths and torture practices in India.

- <https://www.uncat.org/press-release/press-release-india-records-daily-five-deaths-in-custody-uttar-pradesh-tops-deaths-in-police-custody-during-2019/>

2. Case Studies:

- **Unnao Rape Case (2017):**
 - Detailed coverage and analysis of the Unnao rape case, highlighting investigative lapses and police misconduct.
 - https://en.wikipedia.org/wiki/2017_Unnao_rape_case
- **Kathua Rape Case (2018):**
 - Insights into the Kathua rape and murder case, emphasizing investigative failures and legal proceedings.
 - https://en.wikipedia.org/wiki/Kathua_rape_case
- **Vikas Dubey Encounter (2020):**
 - Reports on the encounter of Vikas Dubey, discussing the circumstances and controversies surrounding the police action.
 - https://en.wikipedia.org/wiki/Vikas_Dubey
- **Chhattisgarh Bijapur Encounter (2021):**
 - Analysis of the Bijapur encounter, focusing on allegations of fake encounters and human rights violations.
 - <https://www.thehindu.com/news/national/other-states/chhattisgarh-bijapur-encounter-2021/article34276375.ece>
- **Mumbai D.G. Vanzara Encounters (Early 2000s):**
 - Examination of the alleged staged encounters led by D.G. Vanzara, including legal outcomes and human rights implications.
 - https://en.wikipedia.org/wiki/D._G._Vanzara

3. Legal Precedents:

- **D.K. Basu v. State of West Bengal (1997):**
 - The Supreme Court's guidelines on arrest and custodial procedures to prevent abuse.
 - <https://indiankanoon.org/doc/501198/>
- **Prakash Singh & Ors. v. Union of India & Ors. (2006):**
 - Mandates on police reforms aimed at ensuring autonomy and accountability.
 - <https://indiankanoon.org/doc/1090328/>
- **State of M.P. v. Shyamsunder Trivedi (1995):**
 - Judicial observations on custodial violence and the importance of independent investigations.

- <https://indiankanoon.org/doc/1514673/>

- **Nilabati Behera v. State of Orissa (1993):**

- Affirmation of the state's liability in custodial death cases and the right to compensation.

- <https://indiankanoon.org/doc/803825/>

- **Joginder Kumar v. State of U.P. (1994):**

- Emphasis on the rights of arrested individuals and the necessity of justifiable arrests.

- <https://indiankanoon.org/doc/1519373/>

4. Global Practices:

- **United Kingdom:**

- *Independent Office for Police Conduct (IOPC)*: The UK's independent body overseeing police complaints and misconduct.

<https://www.policeconduct.gov.uk/>

- **United States:**

- *Civilian Complaint Review Boards*: Various U.S. cities have established boards to oversee and investigate police misconduct allegations.

<https://www1.nyc.gov/site/ccrb/index.page>

- **Canada:**

- *Special Investigations Unit (SIU)*: Ontario's independent agency investigating incidents involving police where there is serious injury, death, or allegations of sexual assault.

<https://www.siu.on.ca/en/index.php>