



DGP Appointment

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The Supreme Court (SC) has **rejected the pleas** made by five States to implement their own local laws for selection and appointment of their Director General of Police (DGP). The court said its directions were issued in **larger public interest** and to protect **the police officials from political interference**.

- The petition was filed by Punjab, Kerala, West Bengal, Haryana and Bihar for modification in the apex court orders in the procedure to be followed for appointment of Directors General of Police (DGP).
- The SC also asked the **Union Public Service Commission** whether it was preparing **panels of senior IPS officers** for each state to **pick its DGP in the last 10 years**, i.e. in sync with its 2006 guidelines given in Prakash Singh case.
- Most states **did not follow the SC judgment** and enacted laws doing away with the panel of names recommended by UPSC. The state laws instead provided for an **in-house committee to provide a panel of senior IPS officers** of the state cadre from whom the government could pick its choice.

Background

- The judgement is the **follow up of December 12, 2018**, order wherein the SC agreed to hear the States' pleas seeking to **implement their local laws** regarding the **selection and appointment of the police chief**.

- Earlier In July 2018, the Supreme Court had **refrained State governments** from appointing DGPs without first consulting the Union Public Service Commission (UPSC). It came up with the following guidelines:
 - The State governments concerned have to **send UPSC the names of the probables three months before** the incumbent DGPs are to retire.
 - The UPSC will prepare a **panel of three officers** fit to be DGP and send it back.
 - The UPSC shall, as far as practicable, choose the people within the zone of consideration who have got a **clear two years of service** and must give **due weightage to merit and seniority**.
 - The State, in turn, shall **“immediately” appoint one of the persons** shortlisted by the UPSC.
 - On the practice of States appointing “Acting DGPs”, the court **rejected the idea of acting or temporary DGPs**, i.e.. States shall appoint a person as **permanent DGP**.
 - The court also ruled that **any rule or state law on the subject of appointment of police officers** will be kept in **suspension**. However, the States, which have made laws on police appointments, can move to court seeking modifications of its order.
- The court had passed the series of directions on an application made by the Centre for modification of its judgement in **Prakash Singh Case of 2006 for reforms and transparency in the State police forces**.

Prakash Singh Case

- In **Prakash Singh Case of 2006**, the Supreme Court **gave 7 directives** with a view to bring in police reforms.

- In passing these directives the Court put on record the deep rooted problems of politicization, lack of accountability mechanisms and systemic weaknesses that have resulted in poor all round performance and fomented present public dissatisfaction with policing. The directives are:-
 - **Constitute a State Security Commission (SSC)** to:
 - Ensure that the state government does not exercise unwarranted influence or pressure on the police,
 - Lay down broad policy guideline and
 - Evaluate the performance of the state police.
 - Ensure that the **DGP** is appointed through **merit based transparent process** and secure a **minimum tenure of two years.**
 - Ensure that other police officers on operational duties (including **Superintendents of Police** in-charge of a district and **Station House Officers** in-charge of a police station) are **also provided a minimum tenure of two years.**
 - Separate the **investigation and law & order functions of the police.**
 - Set up a **Police Establishment Board (PEB)** to decide transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers above the rank of Deputy Superintendent of Police.
 - Set up a **Police Complaints Authority (PCA)** at **state level** to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody and at district levels to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct.
 - Set up a **National Security Commission (NSC)** at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO) with a minimum tenure of two years.

Way Forward

- The Judgement limits significantly the discretion enjoyed by the political executive in effecting transfers at whims and fancies of the political executive.
- The police force should be **insulated from political encroachment** into their hierarchy. The commitment, devotion and accountability of the police has to be only to the rule of law and not persons. Arbitrary appointments and postings challenges the ethics of public services from political class on one hand and creates instability in the administration. Moreover, this also makes officers in services vulnerable to **political interferences, pressures and favoritism leading to corruption in long run in pursuit of power, praise and money.**