

6. Selecting Head of Police Force in T.N. – Polity

Tamil Nadu has found itself in the middle of a controversy over the appointment of a regular Director-General of Police/Head of Police Force (DGP/HoPF)

Background of the Current Issue

A. Delay in Appointment of Regular DGP – For the first time in recent years, the Tamil Nadu Government failed to appoint a regular Director-General of Police (DGP) on time to succeed the outgoing police chief. According to Supreme Court guidelines (Prakash Singh, 2006), an acting or in-charge DGP should not be appointed except in rare circumstances.

B. Rejection of UPSC Panel – As per procedure, the State must send a list of eligible DGP-rank officers to the Union Public Service Commission (UPSC). UPSC then finalises a panel of three names, from which the State must select the DGP. However, the Tamil Nadu Government rejected the panel, leading to administrative conflict.

C. Legal Challenge – A petitioner alleged wilful contempt of the Supreme Court's directions by the State for

1. Appointing an in-charge DGP
2. Not selecting a candidate from the UPSC-approved panel

The Supreme Court has sought a response from the State within three weeks, signalling constitutional scrutiny.

Superintendence Over the State Police

A. Police as a State Subject – Under List II (State List), Seventh Schedule, policing is a state subject. State Governments control recruitment, administration, transfers, promotions, and operational decisions of the police.

B. Dual System of Control at the District Level – The District Magistrate (DM) supervises police functioning from an administrative and law-and-order perspective. The Superintendent of Police (SP) heads the police force at the district level. This arrangement—DM + SP—constitutes the dual control system.

C. Commissionerate System (Urban Areas) – In large cities, the dual system is replaced by the Commissionerate system, where police officers (Commissioners) are vested with executive magistrate powers for quicker decision-making.

State Police Hierarchy – From highest to lowest ranks

1. DGP (Head of State Police Force)
2. ADGP (Additional Director General of Police)
3. IGP (Inspector General of Police)
4. DIG (Deputy Inspector General)
5. SP / SSP (Superintendent of Police)
6. Additional SP, Deputy SP/ACP
7. Inspectors, Sub-Inspectors, Assistant Sub-Inspectors
8. Head Constables, Constables

This hierarchy ensures command structure, discipline, and chain of command in policing.

Recruitment in State Police Forces

A. State-Level Recruitment – States directly recruit

1. Constables

2. Sub-Inspectors (SI)

3. Deputy SPs/ACPs (via State Public Service Commissions or Police Recruitment Boards)

B. IPS Recruitment – The Union Government recruits Indian Police Service (IPS) officers, who enter at the Assistant Superintendent of Police (ASP) level. IPS is an All-India Service (AIS) created under Article 312 of the Constitution.

C. Promotion-Based Vacancies – Higher ranks such as SP, DIG, IGP, and ADGP are often filled by promotion from State Police Service (SPS) officers as well as IPS officers.

New Single-Window System for Appointing State DGPs (Effective April 22, 2025)

A. Reason for the Policy – Several states have been violating Supreme Court orders (Prakash Singh judgment, 2006) and MHA guidelines on DGP appointments. Frequent political interference led to short-tenure appointments, ad-hoc acting DGPs, and bypassing of UPSC panels.

B. Key Features

1. Standardised formats for State proposals submitted to UPSC.
2. Detailed checklist for criteria, service record, and eligibility.
3. A Secretary-rank officer must certify that –
 1. The officers meet eligibility norms
 2. They have minimum tenure
 3. Their service data is accurate

C. UPSC Empanelment Committee Composition

1. UPSC Chairperson (Head)
2. Union Home Secretary
3. Chief Secretary of the concerned State
4. DGP of the concerned State
5. Senior officer from Central Police Organisations/paramilitary forces

D. Eligibility Conditions (SC + MHA) – Officer must have minimum 6 months residual service on the date the vacancy arises. State must send proposals to UPSC at least 3 months before the vacancy.

Prakash Singh Judgment (2006) – Expanded Reforms – The landmark judgment aimed to insulate the police from political interference and make policing more professional, accountable, and citizen-centric.

Six Key Directives

1. State Security Commission (SSC) – Must be established in each State.

Functions –

1. Formulate broad policies for police functioning
2. Ensure police performance is evaluated objectively
3. Prevent unwarranted political influence

SSC acts as a buffer between political executive & police.

2. Police Establishment Board (PEB)

To decide –

1. Transfers
2. Postings
3. Promotions of officers below DSP rank

For senior officers, PEB sends recommendations to the State Government.

3. Police Complaints Authority (PCA) – Mandatory at State & district levels.

Role – 1. Inquire into complaints of serious police misconduct – custodial deaths, extortion, abuse of power, etc.

Helps strengthen public accountability.

4. Minimum Tenure (2 Years) – For DGP, IG, SP, and all key operational posts.

Aims to prevent –

1. Frequent transfers
2. Executive interference
3. Policy discontinuity

5. Merit-Based DGP Appointment – DGP must be selected from the three senior-most officers recommended by UPSC.

Criteria –

1. Length of service
2. Good service record
3. Range of experience

6. Separation of Police Functions – Separate Law & Order police from Investigative police.

Rationale –

1. Improve professionalism
2. Speed up investigations
3. Avoid conflict of interests
4. Improve community relations

7. National Security Commission – To recommend Chiefs of central armed police forces (BSF, CRPF, CISF, ITBP, SSB). Ensures merit-based selections devoid of political bias.

Persistent Challenges in Implementing Police Reforms

A. Political Interference

1. Transfers used as reward/punishment tools.
2. Governments bypass UPSC panels to appoint preferred officers.

B. Patchy Implementation

1. Zero states fully comply with all Prakash Singh directives.
2. Some states dilute provisions by issuing perfunctory rules.

C. Structural Limitations

1. Shortfall in police personnel and infrastructure
2. Lack of forensic capacity
3. Outdated Police Act of 1861 still followed by many states

D. Administrative Resistance – Police leadership often reluctant to relinquish control over postings & transfers.

Conclusion

Police reforms are critical for good governance, citizen trust, and the rule of law. The 2nd Administrative Reforms Commission (ARC) highlighted that modern policing requires –

1. Operational autonomy
2. Accountability
3. Professionalisation

Despite clear guidelines from the Supreme Court in Prakash Singh (2006), implementation remains uneven. The new Single-Window DGP Appointment System (2025) aims to streamline appointments and

reduce political influence. Ensuring robust, transparent, and professional police leadership is essential for an efficient criminal justice system.

Source - <https://www.thehindu.com/news/national/tamil-nadu/what-is-the-row-over-selecting-a-head-of-police-force-in-tamil-nadu-explained/article70323190.ece#~:text=%E2%80%9Cnot%20acceptable%E2%80%9D,-,Tamil%20Nadu%20Law%20Minister%20S.%20Regupathy%20issued%20a%20statement%20accusing,violating%20the%20Supreme%20Court's%20guidelines.>

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