

2. Appointment of State DGPs – Polity

The recent tightening of norms by the Union Public Service Commission regarding empanelment of State Director Generals of Police reflects continued judicial oversight of police reforms initiated through the Prakash Singh vs Union of India (2006) judgment. The changes aim to ensure timely, merit-based and politically insulated appointments to the highest police office in states.

1.Key Changes in the Rules

1. Prior approval for delay

1. State governments must seek permission from the Supreme Court if they fail to send the list of eligible officers within the prescribed timeline.
2. This introduces judicial scrutiny into procedural delays and prevents arbitrary postponements.

2. Three-month advance submission rule

1. States are required to forward proposals at least three months before the retirement of the incumbent DGP.
2. This ensures continuity in leadership and avoids administrative vacuum.

3. Rejection of acting DGP concept

1. The Supreme Court has reiterated that there is no provision for appointing an acting DGP.
2. This prevents ad-hoc appointments that could be influenced by political considerations.

4. Limits on UPSC's discretionary powers

1. UPSC cannot condone major delays in sending proposals.
2. Exceptions are allowed only under extraordinary situations such as death, resignation, or premature removal of the incumbent DGP.

2.Rationale Behind the Changes

1. Addressing procedural delays

1. Several states were deliberately delaying proposals to retain control over police leadership.
2. Such delays weakened institutional processes laid down by the Supreme Court.

2. Preventing ad-hocism in appointments

1. Appointment of acting DGPs diluted accountability and stability.
2. It allowed governments to bypass the merit-based panel system.

3. Ensuring merit-based selection

1. The panel-based system ensures that seniority, experience and service record are objectively evaluated.
2. It reduces arbitrariness and enhances professionalism in policing.

4. Strengthening police independence

1. Insulating appointments from political interference is critical for rule of law.
2. Professional autonomy of police leadership improves governance outcomes.

3.Prakash Singh Judgment and Police Reforms

1. Panel-based selection mechanism

1. DGP must be selected from a panel of three senior IPS officers shortlisted by UPSC.

2. Fixed tenure

1. The DGP should have a minimum tenure of two years irrespective of retirement date.

3. Institutional reforms

1. Establishment of State Security Commissions to reduce political interference.
2. Separation of investigation and law and order functions.

4. Governance and Federal Issues

1. Federal tension in policing

1. Police fall under State List (Entry 2), giving states administrative control.
2. Judicial directives impose uniformity, sometimes perceived as encroachment.

2. Binding nature of Supreme Court directives

1. Under Articles 141 and 142, Supreme Court judgments are binding across India.
2. This ensures uniform standards but raises concerns of judicial overreach.

3. Institutional friction

1. States often resist centralized procedures citing administrative autonomy.
2. However, lack of compliance leads to weakening of reform outcomes.

Challenges in Implementation

1. Uneven compliance across states

1. Some states have partially implemented reforms while others lag behind.

2. Political interference

1. Transfers and appointments continue to be influenced by political considerations.

3. Weak institutional mechanisms

1. State Security Commissions and Police Establishment Boards are often ineffective.

Way Forward

1. Strengthening accountability mechanisms

1. Strict monitoring of compliance with Supreme Court directives is required.
2. Periodic review by independent bodies can ensure adherence.

2. Enhancing cooperative federalism

1. Dialogue between Centre, States and judiciary is essential to reduce friction.
2. Flexibility can be provided without diluting core reform principles.

3. Institutionalising police reforms

1. Legislative backing to reforms can ensure permanence beyond judicial directives.
2. Capacity building and training of police leadership should be prioritised.

Conclusion

The revised UPSC norms reinforce the principles of transparency, meritocracy and institutional integrity in police leadership. While tensions with federal autonomy persist, effective implementation of these reforms is crucial for strengthening rule of law and democratic governance in India.

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