

# Director General of Police (DGP) and ruling by Supreme Court in appointing DGP

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## Manifest Pedagogy

Issues related to Civil Services has generally been a point of focus in Mains but questions on administration in Prelims cannot be ruled out as question related to Chief Secretary appointment and tenure has been asked recently. It is always safer to trace only the current issues related to administration and connect them with the static part.

## In news

A recent ruling by Supreme Court in appointing DGP

## Placing it in the syllabus

Role of civil services in democracy

Judiciary and Permanent Executive

## Static dimensions

- DGP selection procedure
- Problems in appointing DGP

## Current dimensions

- A recent ruling by Supreme Court in appointing DGP

# Content

## DGP selection procedure

Following is the procedure involved in appointing DGP as per the directives of Supreme Court;

- **State governments send their proposals for DGPs to the Union Public Service Commission (UPSC) three months before the incumbent is due to retire.**
- The UPSC will prepare a panel of officers fit to be DGP in the State concerned and send them back.
- The State shall “immediately” appoint one of the persons shortlisted by the UPSC.

## Problems in appointing DGP

- **The state governments appointing their ‘favourite’ officers as DGP just before their superannuation date so that they could continue in service even after retirement.**
  - **Some states appoint Acting DGPs** though there was no concept of acting DGPs.
  - Reserving the post only for those with a minimum residual tenure of two years before superannuation.
- **Lack of transparency**

## A recent ruling by Supreme Court in appointing DGP

A Bench led by former Chief Justice of India (CJI) Dipak Misra in July 2018 passed a series of directions on an application for the modification of a September 22, 2006 judgment pronounced by the court in a **petition filed by former IPS officer Prakash Singh** for reforms and transparency in the functioning and appointments in the State police forces. The court had passed seven directives, primarily to “ensure that State governments do not exercise unwarranted influence or pressure on the police.” **following are the few directives**

given by the court in this regard;

- **Consulting UPSC:** As per the directives, State governments should henceforth send their proposals for DGPs to the Union Public Service Commission (UPSC) three months before the incumbent is due to retire. The UPSC will prepare a panel of officers fit to be DGP in the State concerned and send them back. The State shall “immediately” appoint one of the persons shortlisted by the UPSC.
- **Two year term:** The court also directed the States to “ensure that DGP is appointed through a merit-based transparent process and secure a minimum tenure of two years.”
- The Court said that States shall ‘avoid’ appointing a person as DGP just before his or her superannuation and let him continue for the next two years.
- The Bench directed that an endeavour shall be made by the States to ensure that a

person appointed as DGP has a **“reasonable period”** of service left.

- The court also ruled that **any rule or state law on the subject of appointment of police officers “will be kept in abeyance.”** It has however granted liberty to the States, which have made laws on police appointments, to move the court seeking a modification of its order.

### **Supreme court ruling in 2019**

- In its ruling, the court said the post of Director General of Police (DGP) of a State was reserved for the best.
- The court stated that It was meant neither for the political establishment’s favorite officers, who were on the verge of retirement nor only for those with a minimum residual tenure of two years before

superannuation.

- Dispelling confusion regarding an order issued on July 3, 2018, a Bench led by Chief Justice of India Ranjan Gogoi said senior police officers with a residual tenure of six months before normal retirement could be considered for the post of DGP.
- The court also clarified that recommendation for appointment to the post of Director General of Police by the Union Public Service Commission and preparation of panel should be **purely on the basis of merit from officers who have a minimum residual tenure of six months.**