

Implementation of the Supreme Court  
Directions of writ petition no. 310/1996.  
Tenure of service of DGP and other  
Police officers.

**Government of Gujarat**

**Home Department**

Resolution No. NPC-102006- 798-Part-IV-V,

Sachivlaya, Gandhianagar,

Dated the 13<sup>th</sup> February, 2007.

**Read:** 1. The judgement delivered on 22-09-2006 by the Supreme Court of India in the case of Prakash Singh & others V/S the Union of India & others in the writ petition no. 310 of 1996.

2. Order dated 11-01-2007 of the Supreme Court of India in the I.A.No. 11 &12 in the Writ Petition No. 310/1996.

**RESOLUTION**

Whereas the Supreme Court of India in the writ petition No. 310/1996 by Shri Prakash Singh & others V/S the Union of India & others delivered judgement on 22<sup>nd</sup> September, 2006, and have *interalia* issued some directions to the Union of India and State Governments/Union Territories as regards the importance of the implementation of the police reforms all over the country and;

Whereas the Supreme Court observed in the said judgement that the Central Government and the State Governments should rise to the occasion and enact a new Police Act wholly for securing rights of the citizens under the Constitution for the Rule of Law, treating everyone equal and being partisan to none, which will also help in securing an efficient and better criminal justice delivery system; The Apex Court also found it necessary for the Governments to lay down guidelines to be operative till the new legislations are enacted by the State Legislatures and;

Whereas the State Government upon finding the said directions difficult to implement, filed I.A. No. 11/07 and 12/07 in the petition no. 310/1996, for further

directions in this regard and for extension of period for implementation till such time and;

Whereas the Supreme Court on 11<sup>th</sup> January 2007 have issued further direction to implement directions No. 2, 3 and 5 within four weeks period as the directions are of self-executing nature and extended time limit for implementing the other 3 of the 6 directions by 31-03-2007;

Therefore, Now the Government of Gujarat hereby resolves, till the appropriate legislation is made by the State Legislation, as under:

**1. Selection and Minimum Tenure of DG & IGP:**

(a) The Director General and Inspector General of Police of the State shall be selected by the State Government from amongst the three senior-most officers who have been empanelled for promotion on the basis of their length of service, very good record and range of experience for heading the police force or/and from amongst the senior most officers, who have been awarded the rank and scale of DGP by the state government.

(b) After the selection as the DG & IGP, he/she shall have a minimum tenure of two years irrespective of his/her date of superannuation. In case, the officer so selected is superannuating within said two years period, necessary action shall be taken to extend his/her services till the completion of two years period.

(c) The DGP may, however, be relieved of his responsibilities by the State Government consequent upon any action taken against him/her under the All India Services (Discipline and Appeal) Rules or following his/her conviction in a court of law in a criminal offence or in a case of corruption, or if he/she is otherwise incapacitated from discharging his/her duties.

(d) The decision of the State Government in this regard shall be final.

**2 Minimum Tenure of I.G. of police and other officers :**

(a) Police Officers on operational duties like the Additional DGP, Commissioner of Police, Inspector General of Police, Deputy Inspector General of Police, Superintendent of Police in-charge of district and Police officer in

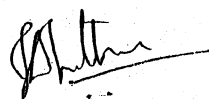
charge of a police station shall also have a prescribed minimum tenure of two years.

(b) However, if it is found necessary to remove them prematurely following disciplinary proceedings against them or their conviction in a criminal offence or in a case of corruption or if the incumbent is otherwise incapacitated from discharging his responsibilities, the Government shall transfer the concerned officer.

(c) All the postings of the officers mentioned in (a) and (b) above would be subject to promotion and retirement of the officer as per normal Superannuation Rules and orders.

(d) The decision of the State Government in this regard shall be final.

By order and in the name of the Governor of Gujarat,



K.D.Suthar

Under Secretary to the Government,  
Home Department

To,

P.S. to H.E. The Governor, Gandhinagar.

P.S. to Chief Minister, Sachivalaya, Gandhinagar.

P.S.s to all Ministers/Ministers of State/Dy. Ministers, Sachivalaya,

All the Departments of the Sachivalaya, Gandhinagar.

\* Secretary, Gujarat Legislature Assembly, Gandhinagar,

\* Secretary, Gujarat Public Service Commission, Ahmedabad.

\* Registrar, Gujarat High Court, Ahmedabad.

\* Secretary, Guj. Civil Services Tribunal, Gandhinagar.

\* Secretary, Guj. Subordinate Services Selection Board, Gandhinagar.

D.G. & I.G.P., Police Bhavan, Gandhinagar.

All the Heads of Department under the Home Department,

All the officers and branches in the Home Department.

Selcet file.

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\* by letters