

# FEDERAL IMBALANCE

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

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The Supreme Court's directive that the states must select their police chiefs from a list of officers empanelled by the Union Public Service Commission is against the federal principles outlined in the Constitution. Public order is exclusively a state subject and hence, the appointment of the Director General of Police (DGP) should be left to the discretion of the state governments.

The SC, however, on Wednesday dismissed applications by five states that had sought a modification of the Court's order in July last year, where it had reiterated the directives issued in Prakash Singh and others vs. Union of India & others in 2006. In Prakash Singh, the SC had ruled that the DGP of the state shall be selected by the state government from a list of the three senior-most officers of the department who have been empanelled for promotion to that rank by the UPSC. It also said the DGP should have a fixed tenure of at least two years. However, only five out of 29 states had approached the UPSC for empanelment. Last year, the SC had reiterated the directions spelt out in Prakash Singh, whereby the states have to "send their proposals in anticipation of the vacancies to the UPSC well in time at least three months prior to the date of retirement of the incumbent on the post of Director General of Police" and indicated its disapproval of states appointing acting DGPs. There is no logic or reason for the UPSC, an institution under the Union government, to be involved in the selection process of DGPs. The responsibility of law enforcement is with the state government, which does it through the police machinery. Voters penalise the state government if it fails to enforce law and order. The involvement of the UPSC, whose members are appointed by the Union government, allows the Centre to have a foothold in what is clearly a domain of the states. This has implications for federalism: When the Union and state governments are run by different parties, it could become a matter of friction.

The Supreme Court may have unwittingly upset the balance of federal powers in this matter and tilted it in favour of the Centre. The SC has said the choice of a DGP has to be made "on the basis of their length of service, very good record and range of experience for heading the police force". A state government, surely, could be trusted to make this choice, especially since the police force, including the officers, serves under it.

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