



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI
W.P. (MD) .No.17648 of 2020

WEB COPY

Masilamani,
S/o.Annamalai,
No.56, 2nd Floor, Vanji Amman Kovil Street,
Near Pillayar Kovil (South side)
Karur 639 001.

... Petitioner

Vs

1.The Chief Secretary,
Secretariat,
Fort St. George,
Chennai 600 009.

2.The Secretary to Government,
Home Department,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

... Respondents

PRAYER : Petition filed under article 226 of Constitution of India for issuance of Writ of Mandamus to direct the respondents to increase the per capita of Police force in our State of Tamil Nadu and fill up all the vacancies in the post of constable and Sub Inspector of Police in our State and to pay higher salary based on the Petitioner's representation dated 26.11.2020.

For Petitioner : Mr.V. Ilanchezhian

For Respondents : Mr.M.Muthu Geethaiyan
Special Government Pleader

For Intervenor : Ms.J.Madhuri

**ORDER**

(Order of the court was made by N.KIRUBAKARAN.J.,)

Can you think of traffic junction, without a traffic constable, even for ten minutes?

Can you imagine a possession without the security of Police?

For leading a normal life the presence of Police is necessary. The service of Police is very important in this advanced age, as more offences are committed and there is no discipline among the masses. Unless the people are disciplined, the role of Police in the society cannot be dispensed with, especially, in urban areas.

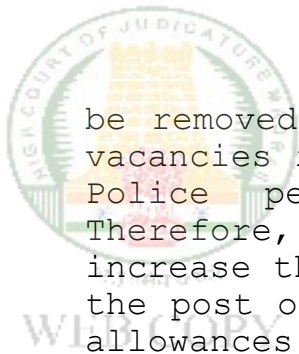
2.The traditional policing has become a past and the Police has to take many avatars, so that the people could lead a normal and peaceful life. For prevention of crimes as well as for detection of crimes, presence of Police is necessary. Police is essential for providing security to the leaders. It is not necessary for the Police to act. Their presence itself will deter the offenders from committing any crimes. When such is the importance of Police, it is stated that they are paid poorly, inspite of round the clock committed services. Highlighting the problems of the Police only the present public interest litigation has been filed seeking Writ of Mandamus directing the respondents to increase per capita of Police force in the State and fill up the vacancies in the post of constable and Sub-Inspector of Police and to pay higher salary.

3.The Petitioner would contend that he joined the Police force as constable on 27.02.1986 and retired on 30.04.2020 as Head Constable. During his service, he had undergone mental agony, stress, emotional and financial issues. Though they are working round the clock, they are not recognised and even the salary paid to them does not commensurate with their work.

4.The Petitioner would contend that the salary of Head Constable in Tamil Nadu is Rs.18,200/- whereas it is as follows in other States:

Madhya Pradesh	-	Rs.38,586/-
Uttar Pradesh	-	Rs.30,000/- to Rs.40,000/-
West Bengal	-	Rs.28,500/-
Maharashtra	-	Rs.29,000/- to 34,000/-

Upto 3rd Pay Commission (01.04.1978), the scale of pay for newly appointed elementary school teacher was 280-450 and for newly appointed Police constable was 280-5-320-10-450. Thereafter the salary of elementary school teacher was increased as 9300-34800-4500 G.P and the pay scale of Police Constable was increased only as 5200-20200-1900 G.P. Thus there is a huge difference between the scale of pay of elementary school teacher and Police Constable, which was equal during 3rd Pay Commission. For the services rendered by the Police, proper salary has not been fixed and anomaly has to



be removed. Further it is contended that there are about 25 to 40% vacancies in the Police Department and due to the work pressure, the Police personnel facing mental agony and health problems. Therefore, the Petitioner gave a representation on 26.11.2020 to increase the per capita of Police force, to fill up the vacancies in the post of Constable and Sub Inspector and increase the salary and allowances. Since no action has been taken, the Petitioner has come before this Court.

5. When the matter came up for admission, this Court raised about 20 queries with regard to the problems of the Police force. The queries raised by this Court in Paragraph 9 of the order dated 07.12.2020 is extracted as follows:

"(a) What are all the problems faced by the Policemen in general?

(b) Is there any mechanism available to express their grievances to the Higher Authorities, as Police Association is prohibited in Police Force?

(c) Whether time bound promotions are given to the Police Force?

(d) Whether the orderly system has been dispensed with or still it is followed by the Police Force, violating the Government Order passed in 1979?

(e) Whether one day statutory holiday is being given to the Police Force?

(f) Why not dispense with allowance given, in lieu of week-end holidays for work?

(g) Whether the Police People are given leave for attending social functions and also birthday functions of their children?

(h) How many desertions have taken place for the past 10 years?

(i) How many Policemen committed suicide for the past 10 years?

(j) How many persons died due to health issues?

(k) How many posts are vacant in the Police Force? [cadre-wise

and category-wise details to be given for each Wing viz., Law and

Order, Crimes, Traffic, etc.]

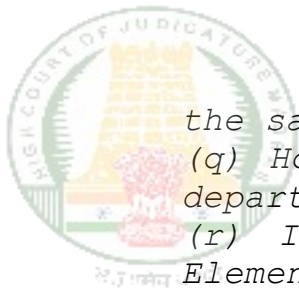
(l) When was the last recruitment made and how many posts are vacant as on today in the Police Force?

(m) What are the steps taken to fill up the vacant posts?

(n) What is the existing ratio and the required ratio of Policemen vis-a-vis the population?

(o) Whether strength of the Police Force is increased according to increase in population?

(p) Whether the Police Force is having any special insurance benefits, as they are facing risks while



the same?

(q) How many Police Persons are facing criminal cases and departmental proceedings as on date?

(r) Is it a fact that the pay scale of Policemen and Elementary School Teachers was one and the same at one point of time and there is a huge gap between the present pay scale between them?

(s) Why not the pay scale of the Police Force be increased, considering the risks involved in discharge of their duties?

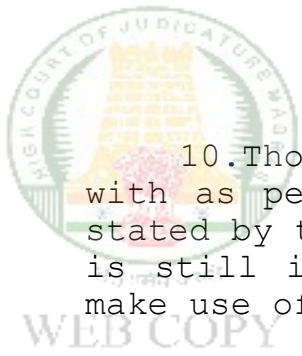
(t) Why the directions given by this Court in G.Anandan and others v. State of Tamil Nadu, Represented by Commissioner of Police, Egmore, Chennai and others reported in 2012 (5) MLJ 751, has not been strictly complied with, by having a Retired Judge of the High Court as a Chairman of the Commission for Police and a lower level Police Officer?

6.It is stated in the counter affidavit that Police force is looked after very well and there is grievance mechanism available and time bound promotions are given and orderly system is not invoked after the G.O., was passed in the year 1979. The said details have been given by way of status report and additional status report.

7.Heard Mr.V.Illanchezhian, learned counsel appearing on behalf of the Petitioner and Mr.M.Muthu Geethaiyan, learned Special Government Pleader appearing on behalf of the Respondents.

8.As already highlighted, without Police force, there cannot be any normal life in the society and their presence is necessary. When such is the necessity of the Police force, they have to be looked after very well. The complaints made by the Petitioner cannot be ignored. The Police force is not having association and therefore, a robust grievance redressal system should be available with the Police. It is stated in the status report that grievance day for the Police personnel on specific dates is conducted. The grievance mechanism should be improved and the problems of the Police personnel should be looked into by the higher officials.

9.It is stated that time bound promotions should be given to the Police force. However, it is stated that many SSI's are stagnating for more than 10 years without any further promotions and without being given Selection Grade. The Police personnel should be kept up for proper functioning of the Police force and therefore, there should not be any problem in their promotion and other benefits of the service. There shall be a separate mechanism with regard to the grievances regarding promotions and other benefits given to them, so that the Police personnel need not go to the Court and their problems could be addressed by indoor mechanism.



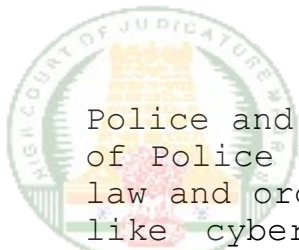
10. Though it is stated that orderly system has been dispensed with as per the G.O., passed in the year 1979, it is specifically stated by the Petitioner as well as in the media that orderly system is still in vogue. Therefore, the Respondents are directed not to make use of the Police force as orderlies.

11. As far as the weekly holidays are concerned, every Government official is entitled to two days holidays. However, Police constables are entitled to one day holiday and even that one day holiday is not given and they are working round the clock, keeping them away from the family. That is also one of the reasons for their frustration, which gets ventilated by way of violent behaviour. Even though there is an order by the Director General of Police to give compulsory statutory holiday, it is not followed strictly. Even if the Police personnel voluntarily opt to work extra time for remuneration, the same should not be given. Police personnel with an intention to get extra time remuneration would report to duty even on holidays. Therefore, the extra time remuneration should not be given for compulsory statutory holidays and the statutory holidays shall be strictly followed.

12. With regard to desertion that has been taking place in the Police force for the past 10 years, it is stated that, so far 6823 desertions took place for the past 10 years. It is very difficult to get a job nowadays and the desertion of duty by police personnel would undoubtedly prove that their service conditions are not proper and good and they are put to mental agony and hardship. Therefore, serious steps have to be taken by the Police higher officials to see that the grievance of the Police personnel are addressed and desertions are averted.

13. With regard to the query about suicide, it is shocking to note the reply that about 31 servants committed suicide in the year 2011 and 25 servants committed suicide in the year 2020. Though they committed suicide for various reasons, it is stated that due to the stress and work pressure, the Police officials have committed suicide. Death due to illness is also on the higher side. In the year 2011, 217 police persons died and in the year 2020, 200 police persons died. It would only go to show that their health was not properly looked after and they are not healthy. Therefore, Police should be given medical leave in time and also they should be provided with best possible treatments for their illnesses.

14. Regarding the vacancies in Police force, it is stated that about 16% of posts are vacant and the vacancy is about 15,819 in the cadre of PC to SSI's as per the information given by the Respondents. Therefore, earnest efforts should be taken to fill up the vacancies, taking into consideration the future vacancies also. Otherwise, the serving Police personnel would be put to hardship and they would be made to work round the clock. It is stated that



Police and people population ratio is 1:563.1. Therefore, the ratio of Police has to be increased, in view of the increase in offences, law and order problems and crime detection and new types of offences like cyber crimes. That apart, Police has to deal with anti national elements and frequent agitations. Law and order problem has become a day to day affair and the Police has to be vigilant and therefore, the strength of the Police force needs to be increased. In this regard, steps should be taken within a period of six months from the date of receipt of a copy of this order.

15. With regard to the query in respect of insurance benefits given to the Police force, it is stated that New Health Insurance Scheme, Exgratia payment and Tamil Nadu Police Insurance Schemes are available. Since Police has to face offenders, agitators, seasoned criminals and anti-national elements, their life is in peril and hence, the insurance coverage should be increased. Similarly, the exgratia payment being given at Rs.15 lakhs for those who died and Rs.8 lakhs for those who are totally disabled, etc., are not enough. Life of the Police personnel cannot be estimated at the rate of Rs.15 lakhs. Atleast, a sum of Rs.25 lakhs has to be fixed as exgratia payment in case of death and Rs.15 lakhs has to be fixed in case of total disablement. The amounts insured under Tamil Nadu Police Insurance Scheme is not adequate as it ranges from Rs.2 lakhs to Rs.10 lakhs and it should be made atleast minimum of Rs.10 lakhs to Rs.25 lakhs.

16. This Court in the decision reported in **2012 (5) MLJ 751, G.Anandan and others v. State of Tamil Nadu, Represented by Commissioner of Police, Egmore, Chennai and others**, while dealing with the case of a deserter from police force had analyzed the problems of the police force in detail and the relevant paragraph is usefully extracted hereunder:

"In view of the above position, this Court is convinced that desertion issue is only a symptom of acute problems/Indiscipline affecting the entire police force and consequently affecting the society. Though the above cases relate to individual cases, this Court deems it fit to observe the following:

a) Since a number of cases are coming up before this court questioning the desertion orders and connected proceedings against the police personnel, this court directed the Director General of Police to file an affidavit giving the details of the number of desertions and what are all the reasons for desertion and the steps taken to control desertion. The Director General of Police filed an affidavit giving the details and the relevant para is extracted as follows:

" (i) It is submitted that the total number of desertion in police force from 2005 to 2008 are furnished as below:



Year No. of cases Total

ii) It is submitted that reasons for desertion are as follows:

(a) Family circumstances

(b) Medical grounds

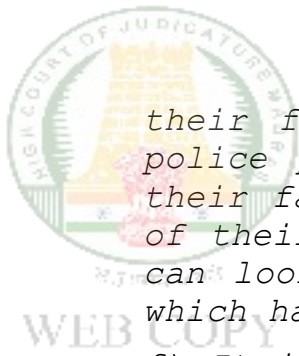
iii) Desertions occur, when, they do not intimate about their absence and their whereabouts are now known for 21 days. If they avail leave and if they inform through the right procedure, it can be curtailed.

(iv) Further, it is submitted that to minimize the number of desertions in this Department and to boost the morale of the police, counseling by NGO's are organised. Different training to keep them mentally & physically fit are imparted through Yoga, Medical camps and free health checks up are also organised regularly in the District level."

b) It is seen that the number of desertion cases is increasing year by year. To get a job nowadays, that too a government job, is very difficult. When a person gets such a government job, definitely he would not afford to loose the job by his own act, unless there are compelling reason and circumstances. If the police personnel are deserting the duty, it is not only bad for the Force but also for the society. Only when the police personnel are looked after or taken care, by looking into their grievances properly, they can serve the people efficiently. Without appropriate measures to tackle the problems faced by them, acts of indiscipline cannot be avoided.

d) It is also known that inadequate police force makes the police personnel to work more hours and the tremendous pressure makes them mentally frustrated and physically weak. The shortage of manpower and non-availability of leave, work related stress and uncomfortable work environment, very little time for relaxation place of posting being far away from the family-station, prolonged separation from the family, frequent transfers resulting in non-shifting of the family etc.

e) If a person is separated and kept away from the family, it would definitely cause frustration, makes the person uncomfortable. The above reason is capable of making the concerned person more aggressive and violent. Family is a shock absorber for any person and the family alone is capable of easing out the mental tension and work pressure. Absence of family company violates basic human rights of the police personnel as well as their family members. Absence of head of the family for a long time violates family atmosphere and it would lead to disastrous effect on the police personnel and



their families. Therefore, it is appropriate that when the police personnel are transferred, they are required to take their family with them to their work station in the interest of their families, police force and society. Then only, they can look after the family and guide their children properly which has become rarity among the police families.

f) It is known that police force is law enforcing agency and it has got wide power including the power to use minimum force in case of necessity and in the interest of public. If police personnel with such enormous power is separated from the family and does not have any connection for a considerable time, it will have adverse impact on their psychological behaviour and is likely to result in abuse of power given to them and committing excesses and other family problems.

g) Though one day holiday a week is there, mostly the police personnel are called for duty or they themselves surrender and encash the holidays. Hence, compulsory one day holiday is required to be followed and it will enable them to spend their time with family.

h) It is common knowledge that the police administration is completely changed, whenever political government changes. As a result, the police force itself is said to have divided based on political consideration. Any change of political Government should not have any impact on the police administration and the force should have atleast minimum independence, to have its own administration un-influenced by any other consideration including politics.

In this regard the Hon'ble Supreme Court in Prakash Singh and others vs. Union of India and others reported in 2006 (8) SCC has given detail directions based on the recommendation of National Police Commission to insulate the police machinery. The Hon'ble Supreme Court directed 1) To constitute State Security Commission, 2) prescription of prescribe selection and minimum the tenure of Director General of Police, 3) separation of investigations, 4) Establishment of Police Establishment Board to decide transfer, promotion and service related matters, 5) Establishment of police complaint authority at the District level 6) Establishment of National Security Commission in the interest of police as institution.

i) The police training should give importance to classes imparting moral values and ethical values, which is more important for police force.

j) That apart lower level police men are required to be treated with dignity and courtesy by the higher officials.



k) The vacancy arising out of retirement, resignation etc. should be filled up at the earliest.

l) Moreover, because of globalization, easy transportation, migration from other state for employment is increasing and crime rate is also increasing. That apart, electronic gadgets have come in handy and it has become easy for criminals/anti national elements to commit offences. With advancement in science, the offences also have become more complex. To deal with new type of crimes, personnel with special knowledge in the concerned field is required to be appointed. Increase in crime rate also requires increase in police strength.

m) As far as pay is concerned it should be more than the other government servants because of their essential service and dangers involved in policing. That apart, as police force is enforcement agency and there is more more chances/avenues for corruption. Hence higher pay would prevent any desire to get corrupted.

n) The police work has become very risky nowadays. The police force has to face the criminals armed with weapons nowadays and their life is under constant threat. During Bombay attack on 17.11.2008 by foreign mercenaries many innocent people were killed. When the higher police official KARKAR went to nab those foreign mercenaries, he was shot dead along with other police officials. Even during anti terrorist operation, lives of the police officers are in danger as they are targets of attack by antisocial elements and anti-national forces. Recently, Mr.Narendrakumar an young IPS Officer was killed by mining Mafia in March, 2012 in Morina Madyapradeshs, while he attempted to prevent the illegal mining. Former CBI Director R.K.Raghavan wrote an article "Honest can get you killed" in "The Hindu" dated 10th March, 2012 in which he gave the details about the dangers of the police force while discharging their duties: A portion of the article is extracted as follows:

" Policing in our country can be hazardous, especially if one wants to check graft and dishonesty. Gone are the days when dishonest elements, both in the polity and society at large, caused officers only minor harm by shifting them from one location to another, so that they cause less inconvenience. Things have now reached such a pass that you can speak and stand for honesty and adherence to the law only at your peril. Physical harm to you and your family are normally to be expected, and it is your luck if that does not visit you. This would not have been the case if these rapacious elements in society have not been lent unholy support by some of our elected representatives. It has been openly acknowledged that a sizeable number of candidates, who were recently put up or



elected to the State Assembly, at least in one State, had a known criminal record. There is no public outrage over it.

This is the tragedy of the Indian State. There are no signs of any major stir of emotions among those in the executive and the bureaucracy who matter and are capable of stemming the rot. Many of them are sulking because of the might of those arrayed against them."

The aforesaid Article of reputed IPS Officer explained the dangers involved in the police work.

Saint Thiruvalluvar wrote :

"நோய் நாடி நோய் முதல் நாடி அது தணிக்கும்

வாய் நாடி வாய்ப்பச் செயல் "

The skillful treatment of a disease consists in identifying the symptoms and causes, as well as possible remedies, before choosing the best.

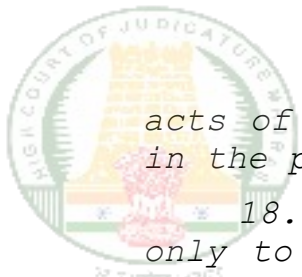
This is the most appropriate and brief instruction that Valluvar laid down for a Doctor, and equally well for the discerning patient too.

The first step in treatment of a disease is to identify and list out the symptoms; the next step will be to go into and locate the causes, which have brought about the ailment.

Thereafter, the various ways and means of curing the malady must be systematically analysed. On that basis, the best line of treatment must be selected and adopted."

The problems of the police personnel should be analysed from various angles by experts to suggest appropriate measures. Therefore, this court recommends to the State Government viz. the first respondent in W.P.No.21740 of 2008 to appoint a Commission, as early as possible, headed by a Judicial Officer who shall be a Retired High Court Judge as the work requires judicious approach with experts as members. They would be in a better position to analyze and identify the reasons for the problems of the police force including desertion in the Force and to give appropriate recommendations to the State government.

Such a committee/commission should consist of 1) a Sociologist 2) a Psychologist/Behavioral Expert, 3) a Health Expert, 4) a Management Expert in the area of Human Resources Development, 5) An Advocate with experience in service laws and labour laws, and 6) a Police Officer with vast experience in Human Resource Development. The said commission may be entrusted to study and analyze causative factors which are stated in para (d) and suggesting measures for prevention



acts of indiscipline including "Desertion" and other problems in the police force and to improve morale of the force.

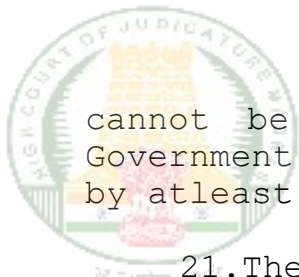
18. The above recommendations are given by this Court only to see that the problems of the police are highlighted, as the police is being criticized from many quarters for their actions as well as inaction. The problems are required to be identified and solved so that morale and efficiency of the police is enhanced and it would be in the interest of the society."

17. In the aforesaid judgment this Court directed the respondents to appoint a Commission headed by a retired Judge of High Court, Psychologist, Psychiatrists, Social worker, Advocate who is an expert in service law, retired Police officials and serving Police officials to look into the grievance of the Police personnel and to suggest remedial measures. Contrary to that Government has appointed Police Commission in the year 2019 headed by a retired IAS officer and retired and serving Police officials. The order of this Court has not been complied with. The Police is facing lot of psychological and emotional problems due to constant work pressure. Therefore, this Court issues a direction to constitute a Police Commission headed by a retired High Court with legal experts, Social worker, a representative from public, apart from retired and serving Police officials and civil servants. The present constitution of Commission is not in tune with the order passed by this Court. Though this Court is not underestimating the work done by the Commission as constituted, it is appropriate to direct the respondents to reconstitute the Commission as per the judgment made by this Court in the case of *G.Anandan and others v. State of Tamil Nadu, Represented by Commissioner of Police, Egmore, Chennai and others* reported in 2012 (5) MLJ 751, within a period of three months from the date of receipt of a copy of this order.

18. If Psychologist, Psychiatrists and other experts in various fields are members of the Commission, they will be in a better position to understand the problems of the Police and give remedial solutions.

19. The Police force has to be modernised due to increase in crimes and different types of crimes committed especially, cyber crimes. Therefore, the candidates with qualification in various fields have to be selected for proper policing. Advanced gadgets should be available for the Police force and more amount should be allotted to the Police force for modernisation.

20. As already stated, the Police force is facing lot of stress and agony due to non filling of all the vacancies. When they are facing lot of risks in discharging their duties every day, they should be paid atleast 10% more than similarly placed Government servants. The risk involved in the Police force is enormous and it



cannot be compared with other services. Therefore, the State Government shall consider increasing the salary of the Police force by atleast 10%.

21. There is no fixed working hours for the Police force for discharging their duty. Though it is stated 8 hours, practically it is 24 hours as they have to deal with many problems which are occurring in the Society. Therefore, 8 hour-norm in three shifts should be followed strictly. The number of Police personnel for each shift has to be fixed, so that they will not be put to mental stress, work pressure and agony. The above comprehensive directions are necessary for efficient and committed Police functioning in the State. Then only, one could expect very good policing by the Policemen.

22. With the above directions, this Writ Petition is disposed of. No costs. For reporting compliance call the matter after six months.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sai

To

1. The Chief Secretary,
Secretariat,
Fort St. George,
Chennai 600 009.

2. The Secretary to Government,
Home Department,
Secretariat, Fort St. George,
Chennai 600 009.

3. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

+1 CC to M/s.GP (SR-26932[F] dated 23/08/2021)

W.P. (MD) .No.17648 of 2020

Dated: 19.08.2021

MGJ(29.09.2021) 12P 5C