

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

N.KIRUBAKARAN, J.
and
B.PUGALENDHI, J.

ORDER

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

At the right time, the writ petitioner has come before this Court seeking for issuance of a Writ of Mandamus, directing the respondents to increase the per capita income of the Police Force in our State and to fill up the vacancies in the post of Constable and Sub-Inspector of Police and pay higher salary, based on his representation, dated 26.11.2020.

2.The problems of the Police could not be highlighted because of lack of Association by the Police Force. There is no mechanism available in the Police Force and that is the reason why so many genuine grievances of the Police could not be addressed.

3.Now-a-days, the Police Force has been facing a lot of problems. Stress and work pressure have led to increase in number of suicides and desertions affecting the morale of the Force. It is also reported that about 500 desertions are taking place in the Police Force every year, which would explain how the Uniformed Police Force is under stress both physically and psychologically.

4. Work pressure, long working hours, stress and separation from family have been affecting the police personnel. Even genuine requests for leave sought by police personnel, particularly the Police Constables are stated to be turned down. This Court could take judicial note of the fact that the Police Constables are denied leave for even attending their children's birthdays, marriage celebrations or festivals unreasonably. Frustrated police personnel tend to take emotional decisions. Sometimes, the circumstances force police personnel to work round-the-clock, without adequate rest and leave and there is not even a day's off, even though staff of the other Departments are enjoying two days holidays every week. Due to the pressure in the work environment, police personnel are subjected to the risk of high blood pressure, insomnia, heart attack and increased levels of destructive stress and mental disorder. Since most police personnel lack in stress management skills, some of them are addicted to alcohol and some are even driven to commit suicide. Moreover, the personal and family life of the Personnel also become very unpleasant.

5. Further, because of the stress, a large number of suicides are also reported from the Police Force, which would explain the problems prevailing in the Police Force. Unless the welfare of the Police Force is looked into properly and their morale is kept up, it is very difficult to maintain law and order and detect and prevent the crimes.

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6.This Court, while taking note of the psychological problems of the Police Force, suggested the Government to constitute a Commission headed by a Retired Judge of the High Court, and held 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**, as follows:-

"15.

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.

16.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."

7.The said Commission could go into the problems of the Police and suggest a definite working hours for the Police, regular mental health checkups and wellbeing of the Police. However, it is reported that the Commissioner of Police, Chennai, had written a letter to the Director General of Police on 07.10.2016, regarding the implementation of the recommendation of this Court and he has given a bio-data of Experts to be included in the panel and thereafter, it was reported in a subsequent hearing that the Director General of Police had written a letter to the Secretary on 12.03.2018, seeking orders in this regard. When such is the position, it is surprising to note that in October 2019, a Commission is said to have been constituted under the Chairmanship of Retired I.A.S. Officer Mrs.Sheela Balakrishnan, Former Chief Secretary, which is not in conformity with the direction given by this Court in **Anandan and Others V. State of Tamil Nadu** reported in **2012 (5) MLJ 751** and therefore, the Government has to explain in this regard. It is also brought to the notice of this Court that only top level officials have been included in the

Commission, while the problems are mostly faced by officials at the lower level like Inspectors and Constables. Therefore, there is a necessity to have a Retired High Court Judge and include a representative from the officials at the lower level.

8. Further, it is stated that the pay scale of Policemen and Secondary Grade Teachers was one and the same at one point of time. However, now, the Teachers working in the Elementary Schools are getting more salary than the Policemen and the salary of the Policemen, who are working in Tamil Nadu, is very low when compared to other States.

9. In view of the above, this Court raises the following queries to be answered by the respondents:

- (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?

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- (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 discharging their duties? If it is so, give the details of the same?
- (q) How many Police Persons are facing criminal cases and departmental proceedings as on date?

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(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?

10.Mr.M.Muthugeethaiyan, learned Special Government Pleader takes notice on behalf of the respondents.

11.The answers to the above said queries and also a comparative statement of pay band to the Police Force in Tamil Nadu and the other States have to be filed by the respondents on or before 17.12.2020.

12.Call the matter on 17.12.2020, in the motion list.

[N.K.K., J.] [B.P., J.]
07.12.2020

Index : Yes / No

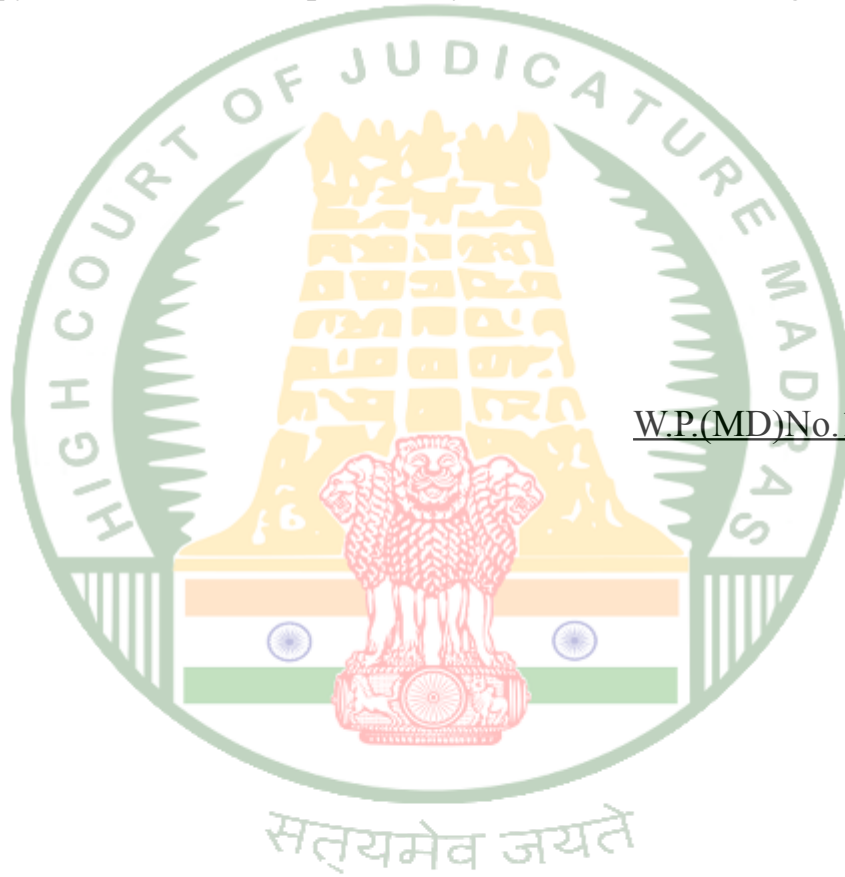
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N.KIRUBAKARAN, J.
and
B.PUGALENDHI, J.

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