

Action against IPS Officers - Kolkata Case

What is the issue?

- The Centre has asked the West Bengal Chief Secretary to take action against the IPS officers who took part in the recent protest against the CBI (Click [here](#) to know more).
- It is essential, in this context, to look at the rules officers are to follow, and the action to be taken for any violation.

What is the Centre's direction?

- The Union Home Ministry, as the cadre-controlling authority of the IPS, has asked the state Chief Secretary to take action against five IPS officers.
- They had allegedly shared the stage with WB Chief Minister Mamata Banerjee during her recent sit-in protest against the CBI.
- The Home Ministry is also considering punitive action including withdrawing police medals conferred by the Centre to these officers or barring them from central deputation.
- There might also likely be an advisory by the Ministry to all states to ensure that officers adhere to the conduct rules.

What do the rules say?

- The All India Services (Conduct) Rules, 1968 stress the importance of political neutrality.
- No member of the Service shall be a member of, or be otherwise associated with, any political party/organisation.
- They shall also not take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity.
- A 1973 Cabinet Secretariat order has also clarified that taking part in a political party-organised meeting/demonstration would amount to assisting a political movement.

What happens on violation?

- **Withdrawal of Medal** - In 2017, the Home Ministry issued a circular describing the conditions for withdrawal of a President's Police Medal conferred to an officer.
- Accordingly, the medal is liable to be forfeited/withdrawn/annulled in any of

following cases:

- i. when the awardee is convicted by any court of law
 - ii. when the awardee is dismissed from the service
 - iii. on the ground of disloyalty, cowardice in action or such conduct as in the opinion of the President brings the force into disrepute
- **Authority** - As per the All India Services (Discipline and Appeal) Rules, 1969 the authority to institute proceedings and to impose penalty will be the state government if the officer is -
 - i. serving in connection with the affairs of a State (or)
 - ii. deputed for service under any company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the State Government (or)
 - iii. serving in a local authority set up by an Act of the Legislature of that State
 - For any action to be taken on an officer of the All India Services, the state and the Centre both need to agree.
 - For any penalties to be imposed by the state government, the consent of the Union Public Service Commission (UPSC) and the central government is essential.
 - In every case, the record of the inquiry shall be forwarded by the disciplinary authority to the UPSC for its advice.
 - Such advice shall be taken into consideration before making any order imposing any penalty on the member of the Service.

What are the precedents?

- It is very rare for a police medal to be withdrawn.
- Among prominent examples, the most recent was that of R K Sharma in the case involving the 1999 murder of journalist Shivani Bhatnagar.
- After he was convicted by a trial court (he was later acquitted by the High Court), Sharma was dismissed in 2009 and then stripped of his President's Police Medal.
- In 2017, Dharmendra Choudhary of MP cadre was stripped of his medal after the National Human Rights Commission implicated him for a fake encounter.

Is the present case valid?

- Before any action is taken against the officers, it will have to be concluded that they were actually taking part in the protest.
- Of the various circumstances for withdrawal of medals specified in the rules, conviction and dismissal do not seem to be justifiable in the present case.
- Even if a case were to be made out on grounds of "disloyalty, cowardice in

action or such conduct”, there would still have to be agreement between the Centre and the state.

Source: The Indian Express

