CHAPTER-III

NATURE OF OFFICE OF THE SUPERINTENDENT OF POLICE
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A study of administration of a very large number of countries of Asia, Africa, Central and South America is bound to remain in complete without a discussion on the role of the “men in uniform” in the political process. It is the police that everywhere plays a more or less active role in the field of national, regional and local security. The police is primarily responsible for maintaining the law and order situation within the country. For this purpose the country is divided into states and the superintendence over the police force in the state is exercised by the state government. The head of the police force in the state is the Director General of police (D.G.P), who is responsible to the state government for the administration of the police organization. The D.G.P also advises government in all matters relating to police administration and its further amelioration.

The states are divided into certain zones and Ranges. There are some districts placed under the Zones and Ranges. The zones are placed under the charge of an officer in the rank of Inspector General (I.G.) of police and Ranges are placed under the charge of an officer in the rank of Deputy Inspector General (D.I.G) of police. An officer in the rank of Superintendent of police heads the district police organization.

Every district is divided into sub-divisions. A sub-division remains under the charge of an officer in the rank of Deputy Superintendent of police. Each sub-division is further divided into number of police stations, depending on its area, population and volume of crime. In between the police station and sub-division, there are police circles in the district. Each circle is generally headed by an inspector of police.

1. See The Police Act of 1861, Eastern Book Company, Law Publisher & Book Sellers, Lalbag Road, Lucknow, 1956, sec-3- P 201
The police station is the basic unit of police administration in a district. Under the Criminal Procedure code, all crimes have to be recorded at the police stations and all investigations, all work relating to law and order are to be carried on from there. A police station is divided into number of outposts, beats, which are assigned to constables for surveillance, collection of intelligence, etc. The officer-in-charge of a police station is an inspector of police, particularly in the cities and metropolitan areas. Even in other places, comparatively bigger police stations are placed under the charge of an Inspector of police, in terms of area, population, crime, law and order problems. In smaller police stations a sub-inspector of police is generally placed as the officer-in-charge. The assistant sub-inspector of police, head police constables and constables constitute the core staff of the police station. Further in the lowest rung Chowkidars or Gramrakhis are attached to the police stations. The following Chart No.1 reflects the structural arrangement of the police administrations in the state.
CHART NO.1

The Structure Of Police Organization

Field Establishment:

State → Director General Of Police (D.G.P)
        (In charge of state police force)
        ↓
        Addl.Director General Of Police(A.D.G.P)

Zone → Inspector General Of Police (I.G.P)
        (In Charge of a Zone Which Comprises few Ranges)
        ↓
        Deputy Inspector General Of Police (D.I.G.P)
        (In charge of a Range which comprises a group of district)

Range → Superintendent Of Police(S.P)
        (In Charge of the District)
        ↓
        Additional S.P.

Sub-Division → Deputy Superintendent of Police(D.S.P.)
        (In charge of a Sub-division ) in the district
        ↓
        Inspector of Police
        (In charge of a bigger Police Station)
        ↓
        Sub-Inspector of Police(S.I.)
        (In charge of a smaller Police station)
        ↓
        Assistant Sub-Inspector of Police(A.S.I.)
        ↓
        Staff of the Police Station (P.S.)
        ↓
        Head constable (H.C)(Staff of the P.S.)
        ↓
        Police Constables(Staff of the P.S.)
        ↓
        Chowkidars (or) Grama Rakhis.
A police officer is required to wear his name tag with his uniform. His rank can be recognised by the badges he wears. The badges of ranks are shown below:

**Director General of Police**
Crossed Sword, Baton and State Emblem

**Inspector General of Police**
Crossed Sword, Baton and One Star

**Deputy Inspector General of Police**
State Emblem and Three Stars

**Senior Superintendent of Police**
(Selection Grade)
State Emblem and Two Stars

**Superintendent of Police**
State Emblem and One Star
Additional Superintendent of Police
State Emblem

Assistant/Deputy Superintendent of Police
Three Stars

Inspector
Three Stars and a Ribbon ½” in width, half red and half blue worn horizontally, red colour facing the stars

Sub Inspector
Two Stars and a Ribbon ½” in width, half red and half blue worn horizontally, red colour facing the stars

Assistant Sub Inspector
One Star and a Ribbon ½” in width, half red and half blue worn horizontally, red colour facing the stars

Head Constable
Three Stripes on the upper part of the arm sleeve
A district police officer as the head of the district police administration commands and controls over a few police stations that remain under the jurisdiction of the district. Thus the head of the district police administration is nomenclatured as the superintendent of police (S.P) who is the key controlling authority of the police administration over the areas kept under his jurisdiction. He plays a vital role in maintaining peace in the district and protecting the life, liberty and property of the inhabitants. Hence there arises the need to analyse the nature of office of the superintendent of police (S.P) at this stage.

The method and process of filling up of post of the superintendent of police is two fold: (i) Direct recruitment method (ii) Promotional method (i.e. from state public service cadre)

The direct recruitment method entails the appointment of a member directly from the I.P.S (Indian Police Service) cadre, who is selected through competitive examination centrally conducted by the U.P.S.C which happens to be an independent, autonomous, statutory body. This examination is accessible to all eligible Indian citizens. In order to be eligible to compete the examination, a candidate must satisfy the following conditions:

(a) He/She must be a citizen of India.
(b) He/She must have attained the age of 21 years and must be within 30 years on the 1st day of August of the year in which the examination is held. The upper age limit may be relaxed by the central government for the backward communities (SC, ST and OBC).

4. *Ibid*, P. 729
(c) He/She must hold a degree of any recognized university or possess the qualification equivalent to it.

(d) Candidate obtaining their degrees from the foreign universities, may also be admitted to the examination at the discretion of the commission (U.P.S.C).

The decision of the U.P.S.C as to the eligibility of the candidate for the admission in to the examination is final. No candidate can get entry into the examination if a certificate of admission is not issued to him/her. Such candidates must have to pass three examinations i.e. preliminary examination, written examination and viva-voce test. Candidates tailing up the said examination after 1st January, 1979 shall be permitted three attempts for appearance at the examination. Appearance of the candidate at the examination will be deemed to be an attempt at the examination. A list of Successful candidates is prepared by the U.P.S.C in order of merit and is forwarded to the central government.

A person can be considered disqualified for the office of the Superintendent of Police under the following grounds:

(1) If he/she has entered into a contract marriage with a person having spouse living.

(2) Disqualification for appointment on medical ground.

(3) If he/she has been declared by the commission to be guilty of obtaining support for his candidature by the following means:

(i) (a) Offering illegal gratification to, or
(b) Applying pressure on, or

5. See Notification No.11028/1/B-AIS(1) and Notification No.11021-81-AIS(1) , Dated 23.11.1981, Sarkar S.C., P.730
6. Ibid, P.730-31
(c) Black mailing or threatening to any person connected with the conduct of examination, or
(ii) Procuring impersonation by any person, or
(iii) Submitting fabricated documents which have been tampered with.
(iv) Making statement which are incorrect or false
(v) Resorting to the following means in connection with the candidature for the examination, namely
   (a) obtaining a copy of the question paper through improper means.
   (b) finding out the particulars of the person connected with secret work relating to the examination.
   (c) using unfair means during the examination.
   (d) misbehaving in the examination hall including tearing of scripts, provoking fellow examiners, and to boycott examination.

A person, after being declared as qualified is at the outset appointed to the service on probation for a period of two years. However this period of probation may be extended for another year. But it can not exceed more than three years.

A person so recruited is bound to undergo training at the Lalbahadur Shastri National Academy of Administration and Sardar Vallabhbhai Patel National Police Academy. Further training is also imparted to him in the state into which he is posted.

7. Ibid, P.878
8. Ibid, P.879
9. Ibid, P.880
A probationer generally undergoes two years training in the N.P.A. The training is composed of two types of work like indoor works and outdoor works. The courses of studies in the training period are well designed and all inclusive in character. In addition to the said courses, a person has to learn the regional language of the state where he is posted.

At the end of the training period one has to appear the final examination in which they have to secure 50% of total marks in order to get the posting. It should be noted that the Central Government shall prepare a list of the successful probationers for the same year of allotment. Such list shall be arranged in order of merit, which shall be determined in accordance with the aggregate marks obtained by each probationer:

(a) at the competitive examination
(b) in respect of his record in the Lal-Bahadur Sastry National Academy of Administration and Sardar Vallabhbhai Patel National Police Academy.
(c) At the final examination.

However, if two or more probationers have secured equal marks in aggregate their order of merit shall be determined on the basis of their date of births.

10. See Appendix-1.
While at the academy, a probationer shall be under the disciplinary control of the Director of the Academy and he/she is bound to obey the general and special order of the Director. A probationer shall be liable to be summarily discharged from the service on the following grounds:

(a) If he/she fails to pass the re-examination.
(b) If the Central Government is satisfied that the probationer is in-eligible for the recruitment to the service or is unsuitable for being a member of the service, or
(c) in the opinion of the Central government he/she has willfully neglected his probationary studies or duties.
(d) He/She is found lacking in qualities of mind and character needed for the service.

As pointed out elsewhere, a person can also be appointed as S.P. through promotion. According to Indian Police Service (Appointment by promotion) Regulations of 1955, 25% of Deputy Superintendent of Police are eligible for promotion to the I.P.S. cadre.

13. Ibid, P.765
This promotion is determined by a committee for the State which includes as its members 15.

a) The Chief Secretary
b) The Secretary to the Government in charge of the Home Department or an officer of the equal rank from the Department of Home.
c) The D.G. and the I.G. Police
d) A member of the service not below the rank of D.I.G. of Police
e) A nominee of the Government of India not below the rank of Joint Secretary.

Officials from the State Police services are promoted to I.P.S. cadre by the Government on the recommendation of the said Committee. After getting promotion, the officer concerned undergoes training in the N.P.A, if he is below the age of 52. However in Orissa, the post of the Superintendent of Police. Specifically for the districts of Deogarh and Nuapara are held by the officers of O.P.S(I) cadre on the basis of promotion.

The Superintendent of Police of the district exercises extensive powers and accordingly performs a number of functions.

It may be noted that the S.P. derives his powers from the India Penal Code (I.P.C.), Criminal Procedure Code(Cr.P.C.), Police Act of 1861, Indian Evidence Act, and various other Statutes enacted by the Parliament and the concerned Legislatures. Further, delegation of powers and duties to different rank is spelt out in Police Manuals or police Regulation and Government Instructions issued separately from time to time\textsuperscript{16}.

However, for the purpose of a scientific analysis, powers of the S.P. be categorized as administrative power and Financial power and the same be discussed in brief.

1. **Administrative Power**

The Administrative Power of the S.P. is elaborated as per the following details. The S.P. has the power to appoint the Grama Rakhis of the district, and he acts as a member of the selection committee for the appointment of the constables. It may be noted that the power to appoint the grama Rakhis has been delegated to the S.P. by the district magistrate under the approval of the Revenue Divisional Commissioner

Whenever any vacancy arises in any beat, the Officer-in-charge reports this facts to the Sub-divisional Police officer(S.D.P.O.) immediately. After getting due direction from S.D.P.O., he invites application by displaying an advertisement, specifying the number of vacancies on the notice board of the police station. The applicant is directed to address to the Superintendent of Police of the district concerned with his personal bio-data duly furnished. The application is to be submitted through the Officer-in-charge of the Police station and the same may be channeled through the S.D.P.O. to the Superintendent of Police concerned. The Superintendent of Police shall consider the application and appoint the suitable candidates for the beat.

After the appointment, a certificate in form-II shall be signed by the S.P. The certificate in duplicate together with a bond of declaration in Form-III duly signed by the Grama Rakshi along with his service book shall be sent to the officer-in-charge of the police station. Besides, the S.P. appoints the "Follower orderly" and "Constables". The S.P. is invariably taken as a member of the Selection Board when the appointment of constables are made.

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18. See Appendix—II
19. See Appendix—III
20. *Ibid*, Police order-05, P.74
The Superintendent of Police is entitled to transfer the sub-ordinate officers within its own district. However, while transferring the Inspector of Police, the S.P. is bound to keep in contact with District Magistrate \(^{21}\). The transfer order of Inspector and Sub-Inspector of Police is issued in written form to the concerned officers. So far as the transfer of other Sub-ordinate officers are concerned the orders are pasted in the Reserve office notice board for the knowledge of the public and for the persons concerned.

The Superintendent of Police of a district can grant leave to the Sergeants, Sub-Inspectors and other officers of the lower rank. In exigencies, the Superintendent may allow leave to the Additional S.P., D.S.P. & Inspectors under the approval of the Deputy Inspector General of Police.(D.I.G.) \(^{22}\).

The Superintendent of Police, on the other hand is instrumental to the promotion of the sub-ordinate staff who are not gazetted officers like Assistant Sub-Inspector, Havildar Major and others. In other words, promotion of such subordinate staff depends upon the recommendation of the S.P. For the said purpose the Confidential Character Role (C.C.Rs) of the Sub-ordinate officials are maintained by the S.P.

The S.P. shall record a note regarding the conduct, efficiency, health and habits of each official at the close of every year. As per rules, remarks shall be considered well. When an opinion is strongly unfavourable in regard to an officer's role, it is to be justified with reasons. The object of the C.C.R. is to justify the special merits and defects of an officer in connection with his service. It is very much essential for the S.P. to find out whether an officer is "tactful", "energetic", "Industrious", "sound in judgment", "pervasive" "untrustworthy", "Lazy" etc. Accordingly the remarks are entered in the C.C.R. of an officer.

\(^{21}\) Ibid, See, Rule 776(a)., P.311

\(^{22}\) Ibid, See rule 786 & 787, P-316
If the remark in the C.C.R. is negative for the person concerned, he is to be informed immediately with a copy of adverse remark and acknowledgement receipt is to be obtained from him for the entry in to C.C. R. In case of any officials protest against any unfavourable remark his protest is to be considered and its result to be intimated to him. However, the remark may or may not be modified here. During the transfer of an officer from one district to another, the remarks are made up to date by the S.P. and sent by registered post in the name of the S.P. of the other district to which he is transferred.

The C.C.Rs are kept by the S.P. under the lock and key. While maintaining the C.C.Rs, the S.P. personally makes the following entries:

i) All comments of the District Magistrate or Revenue Divisional Commissioner relating to the personal character of the officer.

ii) Particular of cases in which an officer has been criminally convicted or honourably acquitted.

iii) Quality of work, when officiating in a higher appointment.

iv) When there have been judicial comment.

However, the District Magistrate or Revenue Divisional Commissioner may call for the C.C.Rs and enter in to it any remarks that is deemed proper. When the C.C.R is lost, it must be reported to the Inspector General (I.G.) of Police. This can be prepared again by the I. G. in due consultation with the S. P.

The S. P. is also entitled to declare reward to his staff as well as the public. He declares reward or awards good service mark to any Police Officer below the rank of Inspector and to any ministerial staff of his district. This is declared in recognition of a specific good work accomplished by the officials. The award of good service marks are entered in the officers service book under heading “Rewards” and remain as a permanent record.
The S.P. sanctions good service mark to the same official for more than once for specific acts of good work with the approval of the Deputy Inspector General (D.I.G.) of Police. Acquisition of good service mark are always essential for promotion\(^{23}\). Cash rewards are only given to an officer who displays exceptional skill, courage, honesty or hard work \(^{24}\). On the other hand, when awards are declared in favour of any sub-ordinate police officers by the State Governments other than the own government, the S.P. receives such rewards on behalf of those officers. The grant of such reward is sometimes reported to I.G. of Police by the S.P. through proper channel \(^{25}\). The grant of reward of all sorts are entered in the Officer's Service Book. Further cash reward up to Rs.150/- are also granted by the S.P. to the public for meritorious work performed in aid of the police. Cases of rewards granted in respect of meritorious service are sent for publication in the police gazette.

The Superintendent of Police enjoys the power to award punishment to the sub-ordinate staff below the rank of Deputy Superintendent of Police. For this, explanation is to be called for. The punishments are of two types; namely, Major punishments and minor punishments. Major punishment includes, dismissal removal (compulsory retirement), reduction in rank, reducing in time scale, withholding increment for a specific offence, record black mark and removal from any office or derecognition of or withdrawal special emoluments.

\(^{23}\) \textit{Ibid}, See Rule –855, P.334
\(^{24}\) See G.o.No. 26223-P, dated The 21st September, 1965
\(^{25}\) \textit{Ibid}- See Rule –856, P.335
On the other hand minor punishment includes, censure, warning, confinements for a period not exceeding 15 days, punishment drill and extra guard or other duty.

All major punishments and Censure are entered in to the service book and other minor punishments may be entered in to the said book only when the S.P. so desires. it should be noted that the S. P. can dismiss his subordinates, save the Inspectors, Sergeants and Sub-Inspectors. However, he can send a report against erring Inspectors, Sergeants and Sub-Inspectors to the District Magistrate

So far as the administrative power of the S.P. is concerned, he has to maintain a constant, uninterrupted relationship with the District Magistrate. He consults him on all important matters whenever necessary\(^{26}\). It is incumbent on him to afford the District Magistrate all possible assistance in the Criminal administration of the district. The District Magistrate is the head of the law and order situation and the S. P. is the executing authority. So he executes the law and order for different types of crimes, like Dacoity, Murder, Theft, Burglary etc.(as discussed in chapter V)

For detection and prevention of Crime. The Superintendent of Police is to convene a quarterly crime meeting a year. The Inspector of Police and the Sub-Inspector of Police usually attend that meeting. Discussions are held in connection-with the occurrence of different types of Crime in the district and the best possible preventive measures to be adopted there on to. This way the Superintendent of Police is to apprise the District Magistrate of all matters affecting the peace of the district \(^{27}\). Whenever he is on tour, the Police Officer-in-charge of the head quarters sends important information directly to the District Magistrate. However, the District Magistrate keeps a close touch with the work of the Police by Supervising different Police stations at regular intervals \(^{28}\).

26. Ibid, See Rule: 19, P.13
27. Ibid, See Rule: 20, P.13
28. Ibid, See Rule: 21, P.13-14
and other suggestions, advice to the Superintendent of Police on all important matters relating to the maintenance of law and order.

The Superintendent of Police has been invested with the power of reading the Circle Inspector's of Police diary when he is on tour. The diary includes the entire crime position of the circle, the names of the professional criminals, important functions that are usually held under the circle and the name of the pro-police persons etc. These contents of the diary are of immense help of the Superintendent of Police to get different types of confidential datas, which are very much essential for prevention of Crime. These contents are all grist of the nil.

In connection with Melas and festivals (like Durgapuja, Kalipuja etc.) the Superintendent of Police regulates the entire Law and order situation. Maintenance of law and order in a smaller area is usually entrusted in the hands of the Inspector of Police. But when the area is vast, the S. P. plays a vital role and gives due direction to the respective Circle Inspectors of Police to take proper action in this regard.

When V.I.Ps like President, Vice-President, Governor, Chief Minister etc. visit a district, the S.P. escorts them though out their journey within the district. The S.P. may depute additional S.P. or D.S.P. or Inspector of Police for the aforesaid work in case he remains absent.  

29. Ibid, See Rule-604, P.257
2. **Financial Power:**

The S.P. discharges certain financial functions. The most important function of the S.P. in this regard is preparation of annual police budget of the district. This budget is to be prepared by the S.P. along with the officials and is submitted to the Director General of Police through proper channel. After receiving the budget report from each and every district of the State, the D.G. of Police consolidates and refers it to the State Government for approval. After obtaining due approval of the State Government, the D.G. Police distributes the funds to the respective districts.

The budget amount allotted to the district for police department remains under the control of the S.P. He approves the amount for expenditure in different heads. As the allocation of funds for a particular head is fixed in the budget, the S.P. takes precautionary steps while releasing the fund. The S.P. submits a monthly statement of expenditure under each unit of appropriation to the D.G. of Police. The S.P. is responsible for proper up-keeping of accounts of his district. But normally he delegates his power of signing accounts bills, vouchers and connected registers to the subordinate officers like additional S.P., Deputy S.P. or Officer of corresponding rank with the due approval of the D.I.G. of Police. Such power delegations are entered into the district order book. However, the S.P. has to check and verify the cash accounts once in a month before signing the cash certificate.

The S.P. is to issue a payment order for every payment. The payment orders are written across the face of the Bill. The cash in hand are verified by the S.P. at regular intervals, i.e. not less than four times a month. This fact is noted in the cash account and the same is submitted to the D.I.G. of Police.

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30. See Appendix - 4
32. Ibid See Rule -942, P. 367
The Superintendent of Police sanctions money from the budget for the purchase of different motor vehicles for the police department of the district and their maintenance. In this connection the amount spent for the fuel consumption, purchase of tyre, tube, battery and motor parts must be sanctioned by the S.P.

On the other hand the S.P. regulates the purchase of different sports articles and takes initiative for the Organisation of games and sports for police personnel in the district. For this, he sanctions fund from the budget.

The police department maintains libraries in each and every district. The S.P. is held responsible for the purchase of books, journals, periodicals, furniture etc. for library and their maintenance

Uniform and clothing for the officials constitute an important head of expenditure in the budget. The gazetted officers are entitled to get uniform grant of Rs.1000/- towards the cost of the uniform and Rs.500/- towards the maintenance during every five years interval 33. The non-gazetted officers are supplied Kits 34. All these are regulated under the Supervision of the S.P. Further, the police hospital functions under the control of the S.P. The S.P. sanctions funds towards payment of salary and allowances of the employees of the hospitals, medicine, diet and maintenance of police hospitals 35.

33. Ibid, See Rule – 1062, P.408
34. Ibid, See Rule –1065, P.409
35. Ibid, See Rule-956 & 957, P.372
All municipal taxes payable by the police personnel are deposited under the seal of the S.P. 36.

Escorts and temporary guards to the members of the Board of Revenue, Judges, District Magistrate, Additional District Magistrate, Sub-divisional officer, Superintendent of jails, Officer-in-charge of treasuries, Executive Engineers(Roads and Buildings), Divisional Forest Officers, Reserve Bank of India and State Bank of India are deployed under the approval of the S.P. Such escorts are provided particularly for the purpose of guarding prisoners, lunatics, currency notes, opium and other valuable property of the Government 37. As regards the cost of the police escorts, requisitioned by the officer of the Reserve Bank of India and State Bank of India, the same is to be borne by the concerned bank authorities. But for all others the costs is to be borne by the concerned district police authority. While deputing the police escort or guard, the S.P. determines the strength and their expenditure in connection with advance payment, daily allowance and mileage due 38.

Moreover, the expenditure under "maintenance of furniture" in the district which are confined to the repair and renewal of the existing furniture and purchase of new ones, are sanctioned by the S.P.

36. Ibid, See Rule -951, P.370
37. Ibid, See Rule -526(a), P.232
38. Ibid, See-Rule -535 & 536, P.234
There are also expenditure heads like construction of buildings, D.F.S.L. (District Forensic Science Laboratory) which deals with finger prints, foot prints etc., Pigeon maintenance (for letter correspondence of the police department), arm maintenance, Rewards, (for officials and public), sanction of advance (festival advance, advance on transfer etc.), purchase of utensils etc. which are under the financial control of the S.P. of the district.

Besides the above mentioned expenditure heads, there is also a provision of another fund, Known as District wel-fare-fund. This fund remains under the control of the S.P. which constitutes a collection of Rs.3/- in every month from each police employees of the district. The S.P. sanctions certain amount from this in favour of the deserving police personnel at the time of their need.

SUMMARY

For better administration and maintenance of law and order in the country as well as in the state, the police department is considered sine-qua-non. In this chapter we found that the police administration has been arranged in a hierarchical structure. The position of the Superintendent of police is in the middle of this hierarchical structure and he is considered to be the head of the district police administration. This chapter is divided in to three parts. In the first part we have highlighted the qualification and recruitment method for I.P.S. Officers. Usually he/ she is selected by two methods. Such as, direct recruitment method and promotional method. The Superintendent of Police is an I.P.S. Officer selected through the direct competitive examination conducted by the U.P.S.C. and the police officials from the state service cadre get the promotion to the I.P.S cadre on the recommendation of the State Government to the Central Government through a committee.

The second part of this chapter deals with the training of the officials after the selection in the N.P.A. & S.V.P. National Police Academy. After the training they have to pass the examination and there after posted in a district as a probationer. An official in the state police service cadre will go on training if he/ she is below 52 years of age.
The third part includes the different powers and roles of the Superintendent of police in a district police administration. Here we have dealt with the Administrative power and financial power of the Superintendent of Police and its role.