

Chapter 1

Constitution, Organization, Superintendence and Administration

1. There is one police service for the State, called the Sikkim Police and its members are liable for posting to any branch of the service, including any of the specialized wings. The constitution, organization, superintendence and administration of the State Police is governed by the Sikkim Police Act, 2008 (hereinafter referred to as the Act).

2. Composition and Constitution of State Police

i) The Police Service consists of the Director General of Police and such numbers of Addl. DGPs, IGPs, DIGPs, SPs, Addl. SPs, Dy.SP, Inspectors, Sub Inspectors, Asstt. Sub Inspectors, Head Constables, Constables and Followers as may be determined by the State Govt. by general or special orders from time to time.

ii) The direct recruitments to non-Gazetted ranks in the Police Service shall be made through a state-level Police Recruitment Board by a transparent process, adopting well-defined systems and procedures.

iii) The recruitment to the Indian Police Service and to the State Police Service in the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the Sikkim Public Service Commission respectively.

iv) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time. These shall always be commensurate with the arduous nature of their duties.

v) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.

3. Superintendence/Administration of State Police

The Superintendence of the State Police through out the State is vested in and is exercised by the State Govt. The administration of the Police in the State is vested in the

Director General of Police and in a district in the Superintendent of Police in accordance with the provisions of the Act.

4. Strategic Policing Plan and Annual Policing Plan

i) The Police department shall draw up a Strategic Policing Plan for a five-year period duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation for approval of the State Police Board. The same would thereafter be placed by the State Government before the State Legislature and made accessible to public.

ii) The State Government will also place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan that prioritizes the goals of the Strategic Plan for the year in question.

iii) The Strategic and the Annual Policing Plans will be prepared by the Police department after receiving inputs on the policing needs of the districts from the District Superintendents of Police who, in turn, will formulate the same in consultation with the community.

5. State Police Board

The State Govt. has established a Sikkim State Police Board, with the Chief Minister as its Chairperson, to exercise the functions assigned to it under the Act. Other members of the board include the leader of Opposition in the State Legislative Assembly; a retired High Court Judge; Chief Secretary, Home Secretary, Finance Secretary; Secretary Social Welfare and the Director General of Police as Member-Secretary. Three non-political persons of proven reputation for integrity and competence are also appointed on the recommendation of the Selection Panel constituted under Section 41 of the Act.

6. Functions of the State Police Board

- (a) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law;

- (b) Approve the five years Strategic Policing Plan and Annual Policing plan;
- (c) Identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resource, and observance of human rights standards; and
- (d) In accordance with the provisions of Chapter XIII, review and evaluate organizational performance of the Police Service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.

7. Annual Report of the State Police Board

The Board shall, at the end of each year, present to the State Government a report on its work during the preceding year as well on the evaluation of performance of the Police Service, as provided for by the Police Act. The State Government shall lay the Annual Report before the State Legislature and make it accessible to the public.

8. Regulation, Control and Discipline

Subject to the approval of the State Government, the Director General of Police shall make rules, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for prevention and investigation of crime, maintenance of law and order, regulation and inspection of the police organization, and of the work performed by police officers, determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service, prescribing the places of residence of members of the Police Service, institution, management and regulation of any non-government fund for purposes connected with the police administration or welfare of police personnel, regulation, deployment, movements and location of the police, assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subjects to which, they shall exercise and perform their respective powers and duties, regulating the collection and communication

of intelligence and information by the police, prescribing the records, registers and forms to be maintained and the returns to be submitted by different police units and officers, and generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

9. Police Officers Always on Duty

- i) Every Police officer not on leave or under suspension shall, for all purposes of the Sikkim Police Act, 2008 be considered to be always on duty and may at any time be deployed in any part of the state. The State Government shall, however, ensure the grant of one day off in a week to all police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to them.
- ii) No police officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization. No police officer shall engage in any other employment or officer of profit whatsoever, other than his duties under the Act.

10. Police Establishment Committee

(1) There shall be a State Police Establishment Committee headed by the Director General of Police and comprising the heads of the Intelligence, CID, Law and Order and one other officer not below rank of Inspector General of Police nominated by the Director General of Police into the Committee.

The Committee shall be responsible for : -

(i) approving all posting and transfers of officers below the rank of Deputy Superintendent of Police between the various wings of the Police organization, and deputation outside the organization with the approval of the State Government, and for inter-district transfers in all the wings :

Provided that in respect of any transfer to from a district the committee shall take into account the recommendation of the concerned District Superintendent of Police and in case the recommendation is not

accepted the committee shall record its reasons for not accepting the same;

(ii) issue of general policy directions and Standing Orders to the committees constituted for making postings and transfers within a unit or district as provided under subsection (2) following;

(iii) hearing and disposing of appeals against transfer orders issued by authorities subordinate to the Director General of Police;

(iv) recommending proposals for transfer of officers of the rank of Deputy Superintendent of Police and above to the State Government subject to provisions of the Act;

(v) making recommendations to State Government with regard to representations in service matters from officers of the rank of Deputy Superintendent of Police and above and dealing with all establishment matters not covered by any other Board.

(2) With the approval of the State Government the Director General of Police may constitute a Committee for any specific unit within the Police organization for making postings and transfers within such unit or a district.

11. Procedure for Promotion of Police Officers

As provided under the Sikkim Police Act, 2008 promotion to each rank in the Police Service shall be based on seniority cum merit, to be evaluated through the result of a qualifying examination and performance evaluation in respect of each officer. The Director General of Police shall, with the approval of the State Government, frame the evaluation criteria for each rank and category of Police personnel;

Provided that for the officers of the Indian Police Service such evaluation criteria shall be as framed by the Government of India.

12. Training-cum-Education Policy for the Police

- (i) The State Government shall lay down Training-cum- Education Policy covering all ranks and categories of Police personnel. This Policy shall ensure that all Police personnel are adequately trained to perform their job taking due care of proper attitudinal development, and shall be linked to career development scheme of police Personnel in different ranks and categories.

- (ii) The policy shall also aim to promote a service culture of Police personnel acquiring appropriate educational and professional qualifications as they advance in their careers.

13. Financial Management

- (i) The Director General of Police shall be responsible for submitting the budgetary requirements of the Police service as a whole to the State Government sufficiently in advance in the preceding financial year.

- (ii) The budgetary requirements shall be worked out on the basis of realistic needs of each branch, wing, unit and sub-unit of the police service, obtained from the unit officers concerned.

- (iii) The District Superintendents of Police shall take special care to ensure that the financial requirements of each Police Station in the Districts are worked out meticulously and adequately projected in the budgetary demand of the District.

- (iv) The budgetary allocation made by the legislature shall be placed at the disposal of the Director General of Police who shall be vested with powers to spend the amounts earmarked under each head of the budget as per the financial rules of the state and directions given by the state government from time to time.

- (v) The Branch Heads of the level of the Additional Director General/Inspector General of Police may exercise the general powers of the Head of the Department for their respective Branch in administrative and financial matters as delegated in

the Sikkim Financial Rules, 1979 and Establishment and allied Rules subject to the overall supervision of the DGP.

14. Police Gazette, Departmental Order, Notification & Circulars

The Director General of Police shall cause to be published at appropriate intervals a Police Gazette containing Departmental Orders, Notifications and Circulars relating to the Police for circulation within the Police organization, and may publish appropriate portions of the publication on the website of Police Department.

15. Structural Paradigm and Rank Structure of Police Organization

The substantive ranks and hierarchical structure in the Sikkim Police is as follows:

- (i) Director General of Police.
- (ii) Additional Director General of Police.
- (iii) Inspector General of Police.
- (iv) Deputy Inspector General of Police.
- (v) Superintendent of Police.
- (vi) Additional Superintendent of Police.
- (vii) Deputy Superintendent of Police.
- (viii) Inspector of Police.
- (ix) Sub-Inspector of Police.
- (x) Assistant Sub Inspector of Police
- (xi) Head Constables
- (xii) Constables.
- (xiii) Followers

NB: Constables with certain length of service are also given ranks of Lance Naik and Naik as per rules prescribed by the State Government.

16. The Executive Police Force

The executive force of the police organization can be deployed in the various branches, sections, wings of the Sikkim Police Force broadly categorized as the Civil Police and the Armed Police.

17. Non-Executive Staff

(i) In addition to the executive force the Sikkim Police consists of the following categories of employees to provide effective administrative and functional support to the organization.

- a) Ministerial Staff.
- b) Technical Staff.
- c) Specialized Staff.

(ii) Ministerial Staff may consist of the ranks like Deputy/Under Secretary, Office Superintendent, Head Assistant, Upper Division Clerk, Lower Division Clerk, Support Staff, and Secretarial Staff like Stenographers etc. Technical/Specialised Staff would consist of the personnel recruited/appointed for Communication & Computer branch, Legal cell, Motor Transport Wing, Band, Dog Squad etc.

18. Deputation Provisions

Officers and other ranks of the Sikkim Police department can be sent on deputation, and likewise, as per the needs, provisions and rules of the respective police organization persons can be taken on deputation for functional requirements.

19. State Police Formations

- (i) Police Headquarters, which includes the various branches of the Police
- (ii) Police Range (s)
- (iii) Police Districts
- (iv) Police Sub-division
- (v) Police Stations
- (vi) Police Outposts
- (vii) Armed Police Battalions