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? CAPF Cadre vs IPS Deputation: Supreme Court Directions, New Law and the Constitutional Debate

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Recent Developments:

- The **Supreme Court** is examining contempt petitions alleging non-compliance with its **23 May 2025 judgment** concerning the career progression of Central Armed Police Forces (CAPF) cadre officers and the progressive reduction of IPS deputation to senior CAPF posts.
- In September 2026, the Court sought an explanation from the Union government after being informed that **46 IPS officers had been deputed to five CAPFs** after the 2025 judgment. The contempt proceedings concern alleged non-compliance, not a final finding of contempt.
- A controversy arose after the contempt matters were removed from the **29 September 2026 cause list** despite a direction for their listing. The matters were subsequently placed before a special Bench comprising **Justices Manoj Misra and Ujjal Bhuyan**.
- The dispute is now closely connected with challenges to the **Central Armed Police Forces (General Administration) Act, 2026**, which was passed by Parliament and received Presidential assent in April 2026.
- The controversy raises a fundamental administrative question: **should senior CAPF leadership primarily come through internal cadre progression or through IPS officers on deputation?**

Background: CAPFs and the Cadre Structure:

Five CAPFs Covered by the Present Dispute:

- The principal forces involved are the **Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bal (SSB)**.
- Their Group A General Duty/Executive officers generally enter through the **Assistant Commandant** level and can progress through the organisational hierarchy.
- The Ministry of Home Affairs functions as the principal **cadre-controlling authority** for these forces, making cadre management, recruitment rules and deputation policy central to the dispute.

Why IPS Deputation Became Contentious:

- Senior CAPF positions have historically included posts filled through **deputation of IPS officers**, alongside positions available to officers belonging to the respective CAPF cadres.
- The earlier recruitment framework provided for deputation at senior levels, including **20% of DIG posts and 50% of IG posts**, which CAPF cadre officers argued restricted their promotional avenues.
- The central issue is therefore not simply IPS versus CAPF officers; it concerns the appropriate balance between **career progression, specialised organisational experience, operational requirements and Centre-State police coordination**.

Organised Group A Service and NFFU:

Meaning of OGAS:

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- **Organised Group A Service (OGAS)** status is relevant because organised Group A services receive a structured cadre framework and associated career-progression mechanisms.
- CAPF officers argued that their services should be treated as organised Group A services for **broader cadre-management purposes**, rather than recognising the status only for limited financial benefits.
- The Supreme Court's 2025 judgment reaffirmed that the CAPFs constitute **Organised Group A Services** for the relevant cadre-related purposes.

NFFU and the Problem of Stagnation:

- **Non-Functional Financial Upgradation (NFFU)** is intended to provide financial progression when an officer is unable to obtain regular promotion because of limited promotional vacancies.
- The dispute arose because **financial upgradation does not necessarily create an actual promotional vacancy or confer the functional responsibilities of the higher post**.
- CAPF officers therefore argue that NFFU alone cannot eliminate structural stagnation when recruitment rules continue to make substantive career progression dependent upon vacancies and promotion to the next rank.
- The underlying problem is that an officer may receive the **pay of a higher grade without occupying the corresponding substantive post**, while service requirements for subsequent financial progression may remain linked to actual promotion.

Judicial Evolution of the Dispute:

Delhi High Court and 2019 Supreme Court Position:

- The dispute over the organised-service status of CAPFs reached the **Delhi High Court**, which ruled in favour of the CAPF position in 2015.
- The Supreme Court subsequently upheld the relevant position in **2019**, strengthening the legal basis for treating CAPFs as organised services.
- The continuing litigation nevertheless focused on the practical consequences of that status, particularly **cadre review, NFFU, recruitment rules and deputation to senior posts**.

Supreme Court Judgment of 23 May 2025:

- In **Sanjay Prakash and Others v. Union of India**, the Supreme Court held that CAPFs could not be denied their status as **Organised Group A Central Civil Services**.
- The Court directed the Union government to conduct the overdue **cadre review** of the CAPFs within six months.
- The Ministry of Home Affairs was directed to review the existing **service rules and recruitment rules**, while representatives of CAPF cadre officers were to be given an opportunity to present their concerns.
- The Department of Personnel and Training was directed to take appropriate decisions after receiving the relevant reports.
- Most importantly, the Court directed that posts earmarked for deputation up to the **Senior Administrative Grade (SAG)** should be **progressively reduced**, with an outer limit of two years, while balancing CAPF career mobility against operational requirements.

Why the Government Supports IPS Deputation:

Operational and Federal Considerations:

- The Union government has argued that CAPFs perform specialised functions involving **national security, border management and internal security**, and therefore require leadership arrangements suited to their operational structure.
- IPS officers can provide an institutional link between **Union and State police establishments**, which becomes significant because CAPFs are frequently deployed in States for internal-security, law-and-order

and election-related duties.

- The government therefore views IPS deputation partly as a mechanism for **Centre-State coordination and administrative interoperability**.
- The Supreme Court itself recognised the need to balance **service mobility of CAPF officers with operational and functional requirements** rather than treating either consideration as absolute.

Central Armed Police Forces (General Administration) Act, 2026:

Legislative Framework:

- Parliament enacted the **Central Armed Police Forces (General Administration) Act, 2026** to create a more uniform statutory framework for specified CAPF officers.
- The Act covers **CRPF, BSF, CISF, ITBP and SSB** and empowers the Central Government to make rules concerning **recruitment, promotion, deputation and conditions of service**.
- The Act also covers Group A General Duty/Executive officers, IPS officers on deputation and specified Army officers on deputation or re-employment.

Deputation Provisions:

- The Act provides for **50% of Inspector General posts** to be filled through IPS deputation.
- It provides for **at least 67% of Additional Director General posts** to be filled through IPS deputation.
- **Director General and Special Director General posts** are to be filled through deputation.
- These provisions are significant because they preserve a substantial role for IPS officers at the senior leadership levels despite the Supreme Court's earlier direction for progressive reduction of deputation up to SAG.

Overriding and Rule-Making Provisions:

- The Act empowers the Central Government to frame rules **notwithstanding other laws, court judgments or orders and government orders**, subject to constitutional scrutiny.
- It also provides an overriding effect where its provisions conflict with other laws.
- Existing recruitment rules and financial-benefit orders continue until they are amended, replaced or superseded under the new framework.

2026 Contempt Proceedings and the Present Conflict:

Alleged Non-Compliance with the 2025 Judgment:

- The present contempt proceedings were initiated on the allegation that the Union government continued or increased IPS deputation despite the Supreme Court's direction to progressively reduce such posts.
- The Court was informed that **46 IPS officers had been deputed to the five CAPFs after the May 2025 judgment**, prompting the Bench to seek an explanation from the Union government.
- No final finding of contempt has been recorded merely because the Court sought an explanation; the legal question remains pending.

Interaction with the 2026 Act:

- The controversy became more complex because the **2026 Act was enacted after the 2025 judgment** and establishes statutory provisions supporting substantial IPS deputation.
- The Centre sought to have the contempt proceedings considered alongside the separate constitutional challenge to the new legislation because the government's defence in the two matters overlaps.
- CAPF officers have argued that alleged non-compliance with an existing judicial direction is a separate question from the constitutional validity of a subsequently enacted statute.

Constitutional Issues Involved:

Separation of Powers and Judicial Review:

- The dispute illustrates the constitutional balance between **Parliamentary law-making and judicial review**.
- A legislature cannot ordinarily neutralise a judicial decision merely by declaring that the decision shall not apply; however, the legislature can alter the underlying legal framework, subject to **constitutional limitations and judicial review**.
- Therefore, the critical question is whether the 2026 Act merely changes the statutory framework governing CAPF administration or impermissibly seeks to negate the legal effect of a binding judicial determination.
- The validity of the statutory provisions must ultimately be assessed against the **Constitution, legislative competence, fundamental rights and the basic structure doctrine**.

Administrative and Federal Dimensions:

- The case also involves the distribution of responsibilities between the **Union Government, CAPFs and State police organisations**.
- IPS deputation can facilitate administrative coordination between Union and State police structures, while excessive deputation can restrict the promotional pyramid available to permanent CAPF cadres.
- The controversy therefore represents a broader question of **institutional design in India's internal-security architecture**.

Key Arguments: CAPF Cadre vs IPS Deputation:

Arguments Supporting Greater Internal Promotion:

- Greater internal promotion can reduce **career stagnation**, improve organisational morale and reward long-term force-specific expertise.
- CAPF officers possess extensive operational experience within their respective organisations and may provide greater **institutional continuity**.
- Reduced deputation can strengthen the development of a distinct **professional command cadre** within CAPFs.

Arguments Supporting IPS Deputation:

- IPS officers bring experience of **State policing, investigation, law and order and inter-agency coordination**.
- Deputation can strengthen the institutional relationship between **State police forces and Union-controlled CAPFs**.
- The government argues that senior CAPF leadership involves broader national-security and inter-governmental responsibilities for which an integrated police leadership structure can be useful.

UPSC Significance:

GS-II: Polity and Governance:

- **Separation of powers**, judicial review, legislative competence, executive rule-making, contempt jurisdiction and Centre-State administrative relations.
- **Judicial independence versus legislative policy-making** and the constitutional limits on legislative responses to judicial decisions.
- Importance of **service rules and cadre management** in public administration.

GS-III: Internal Security:

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- Role of CAPFs in **border management, internal security and national-security operations.**
- Institutional coordination between **CAPFs, State police forces and the Union Government.**
- Human-resource management as a component of **security-sector effectiveness.**

Governance Perspective:

- Effective reform should reconcile **operational efficiency with career progression.**
- Cadre reviews should consider organisational hierarchy, sanctioned strength, promotional vacancies, specialised expertise and future manpower requirements.
- A sustainable leadership model requires **clear recruitment rules, predictable promotion avenues and institutional accountability.**

Value Addition for UPSC:

Core Conceptual Distinction:

- **Deputation** means temporary placement of an officer from one service or cadre into another organisation, while **cadre promotion** provides career advancement within the officer's parent service.
- **NFFU** addresses financial stagnation but does not automatically solve functional or substantive promotional stagnation.
- **OGAS status** concerns the organised nature and cadre-management framework of a service and therefore has implications beyond merely granting a financial benefit.

Mains-Ready Analytical Framework:

- **Issue:** Excessive senior-level deputation may restrict internal CAPF career progression.
- **Government rationale:** Operational requirements and Centre-State coordination justify retaining specialised deputation.
- **Judicial intervention:** The Supreme Court sought to balance operational needs with career mobility by directing cadre review and progressive reduction of deputation.
- **Legislative response:** The 2026 Act establishes a statutory framework retaining substantial IPS deputation at senior levels.
- **Constitutional question:** The validity of the legislative framework depends on whether Parliament has legitimately altered the governing legal framework or impermissibly interfered with judicial power.
- **Way forward:** Transparent cadre review, evidence-based deputation norms, adequate senior posts, predictable promotion pathways and periodic review of manpower requirements can reconcile **institutional efficiency with cadre justice.**