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Supreme Court Examines Constitutional Validity of CAPF General Administration Act, 2026 Amid Cadre–Deputation Dispute

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Recent Developments:

- The **Supreme Court** has issued notice to the **Union Government** on petitions filed by serving **Central Armed Police Forces (CAPF)** officers challenging the constitutional validity of the **Central Armed Police Forces (General Administration) Act, 2026**.
- The petitions argue that the Act substantially dilutes the **2025 Supreme Court judgment**, which had recognised **CAPF Group A officers** as **Organised Group 'A' Services (OGAS)** and directed phased reduction of **IPS deputation** up to the rank of **Inspector General (IG)**.

Background of the Issue:

2025 Supreme Court Judgment:

- The **Supreme Court** directed the **Ministry of Home Affairs (MHA)** to phase out **IPS deputation** up to the rank of **Inspector General (IG)** within **two years**, enabling regular cadre officers to receive time-bound promotions.
- The Court also granted **Organised Group 'A' Services (OGAS)** status to **CAPF Group A officers**, thereby making them eligible for structured cadre management, career progression and service benefits similar to the **IAS, IPS** and **IFS**.
- The **Ministry of Home Affairs'** review petition was dismissed in **October 2025**, making the judgment final. Subsequently, retired officers filed contempt proceedings alleging continued appointment of **IPS officers** in senior CAPF posts.

About the Central Armed Police Forces (CAPFs):

- The **Central Armed Police Forces** function under the administrative control of the **Ministry of Home Affairs**, while recruitment of **Group A officers** is conducted through the **Union Public Service Commission (UPSC)**.
- The five CAPFs include:
 - **Border Security Force (BSF)**: Guards the **India–Pakistan** and **India–Bangladesh** borders.
 - **Central Reserve Police Force (CRPF)**: Performs **internal security, counter-insurgency, Left Wing Extremism** operations and law-and-order duties.
 - **Central Industrial Security Force (CISF)**: Protects **critical infrastructure, airports** and strategic public sector establishments.
 - **Indo-Tibetan Border Police (ITBP)**: Guards the **India–China** border.
 - **Sashastra Seema Bal (SSB)**: Secures the **India–Nepal** and **India–Bhutan** borders.

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

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Major Provisions:

- The Act establishes a **uniform statutory framework** governing **recruitment, promotion, deputation** and **service conditions** of **Group A Gazetted Officers** from **Assistant Commandant to Director General (DG)** across all **CAPFs**.
- It authorises the **Ministry of Home Affairs** to frame service rules that prevail over any inconsistent law, administrative order or judicial direction.
- The Act also statutorily provides for **IPS deputation** by reserving:
 - **50% of Inspector General (IG)** posts.
 - At least **67% of Additional Director General (ADG)** posts.
 - **100% of Special Director General (SDG) and Director General (DG)** posts for deputed **IPS officers**.

Government's Rationale:

Reasons for the Legislation:

- The Government maintains that **CAPFs** perform national security functions requiring continuous coordination with **State Police** and **State Governments**, making **IPS leadership** operationally necessary.
- It argues that a **common legal framework** replaces fragmented service rules across different **CAPFs**, thereby improving administrative uniformity and strengthening India's internal security architecture.
- According to the Government, the Act enhances coordination among **CAPFs**, **State Police** and the **Union Government** without altering the operational role of individual forces.

Concerns Raised by CAPF Officers:

Career Progression and Service Conditions:

- **Career stagnation:** Regular **CAPF cadre officers** argue that extensive **IPS deputation** to senior posts significantly delays their promotions, with many **Assistant Commandants** serving **15–16 years** before receiving their first promotion.
- **Operational imbalance:** Officers contend that they lead **counter-insurgency, border management** and **internal security** operations, bear the highest operational risks and casualties, while many deputed **IPS officers** join only at senior supervisory levels.
- **Human resource concerns:** Officer associations have highlighted increasing instances of **voluntary retirement, low morale** and **psychological stress**, attributing them partly to prolonged career stagnation and limited promotional opportunities.
- **Non-Functional Upgradation (NFU):** Despite receiving **Organised Group 'A' Services (OGAS)** status, officers argue that **NFU** benefits available to several other **Central Group 'A' Services** have not been implemented adequately for **CAPFs**.
- **Pay disparity:** Officers also point to disparities in **pay progression, allowances** and career advancement compared to similarly placed **Central Civil Services**.

Constitutional and Administrative Issues:

Judicial Independence and Separation of Powers:

- Petitioners contend that the Act effectively overrides the **2025 Supreme Court judgment**, thereby raising concerns regarding **judicial authority** and the **separation of powers**.
- Critics argue that continued statutory preference for **IPS deputation** weakens the objective of recognising **CAPF officers** as an independent organised service with a distinct promotional hierarchy.
- The matter also raises broader questions regarding the balance between **legislative competence, judicial interpretation** and **executive discretion** in service administration.

Way Forward:

Institutional Reforms:

- **Time-bound cadre reviews:** Conduct regular cadre reviews and fully implement **Organised Group 'A' Services (OGAS)** benefits to remove promotional bottlenecks and ensure predictable career progression.
- **Balanced deputation policy:** Maintain a calibrated **IPS deputation** policy while gradually increasing the representation of experienced **CAPF cadre officers** in senior leadership positions.
- **Capacity building:** Expand joint training programmes at the **Sardar Vallabhbhai Patel National Police Academy (SVPNPA)** and **CAPF academies** to improve operational coordination and strategic leadership.
- **Transparent Human Resource Management:** Develop objective, merit-based promotion policies, strengthen grievance redressal mechanisms and improve welfare measures to enhance morale and organisational efficiency.
- **Institutional coordination:** Continue strengthening coordination between **CAPFs, State Police, Intelligence Agencies** and the **Ministry of Home Affairs** while preserving the operational identity of each force.

Conclusion:

- The dispute over the **Central Armed Police Forces (General Administration) Act, 2026** reflects the broader challenge of balancing **operational efficiency, cadre autonomy, career progression** and **national security requirements**.
- The final judicial outcome is likely to shape the future administrative structure of **CAPFs**, clarify the scope of **IPS deputation** and define the implementation of **Organised Group 'A' Services (OGAS)** within India's internal security framework.

Value Addition for UPSC:

Important Constitutional Provisions:

- **Article 14:** Equality before law and equal protection of laws.
- **Article 16:** Equality of opportunity in matters of public employment.
- **Article 309:** Recruitment and conditions of service of persons serving the Union or the States.
- **Article 312:** Creation and regulation of **All India Services**.

Important Institutions:

- **Ministry of Home Affairs (MHA):** Cadre-controlling authority for **CAPFs** and the **Indian Police Service (IPS)**.
- **Union Public Service Commission (UPSC):** Conducts recruitment for **Group 'A' CAPF Officers**.
- **Central Armed Police Forces:** **BSF, CRPF, CISF, ITBP** and **SSB**