

# **Police**

**T. E. Anandarajah**



**International Centre for Ethnic Studies**

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**Project on Institution Building:  
Administrative Arrangements  
for Implementing Devolution**

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# **Arrangements for Devolving 'Law & Order' Under the Proposed Scheme of Devolution, January 1996**

## **Part 1**

### **Introduction**

The earliest law relating to the Police in Sri Lanka was enacted shortly after the British occupied the Island in 1796 by a proclamation dated 23rd September 1799. It established a temporary administration of justice and police. The Regulation of 1806 provided for the appointment in each of the villages, Headmen called "Police Officers" or Village Vidanes of the Police.

In 1844 an ordinance empowered the governor of the colony to establish an efficient Police Service in certain towns and their neighbourhood for effective protection of persons and property. The present Police Service however was established only in 1865 by Ordinance No. 16 of 1865, the "Police Ordinance", to provide for the establishment and regulation of a Police Service. The administration of the Police in the Island was vested in the Inspector-General of Police, Deputy Inspectors General of Police, Superintendents, Assistant Superintendents of Police, Inspectors, Sergeants and Constables (Section 20 and 21, Police Ordinance).

Therefore in Sri Lanka, from the inception, there was a unified Police Service for the entire Country under one Inspector-General of Police.

The duties of the Police set out in Section 56 of the Police Ordinance are to:

- use best endeavours and ability to prevent all crimes, offences and public nuisance;
- preserve the peace;

- apprehend disorderly and suspicious characters;
- detect and bring offenders to justice;
- collect and communicate intelligence affecting the public peace; and
- promptly to obey and execute all orders and warrants lawfully issued and directed to him by any competent authority.

The role of the Police, however has since expanded. They have been called upon to mediate minor civil disputes and traffic problems and undertake prevention, detection and investigation of crimes and offences, maintenance of internal security, arraignment and prosecution and provision of first line emergency service as their tasks. Also they have to combat terrorist problems and partly function as a para-military organisation. These functions can be described as primary functions of the Police Department.

The secondary or support functions comprise Personnel Management, Logistics, Administration and Specialized Services.

## Part II

### *Present Organizational Structure*

The Police Department functions under the Ministry of Defence. The Defence portfolio customarily is held by the President and a Senior Minister functions as the Deputy Minister of Defence. The present feature of the Police Service today is the highly centralised type of control vested in the Inspector-General of Police, who is the only policing authority in respect of law and order and the exercise of police powers in the Country, with accountability to the Government.

The Sri Lanka Police Organization functions, with the Inspector General of Police at Headquarters at the apex as the Chief Executive of the Police Department in formulating departmental policy and overlooking the effective functioning of the entire Police Service.

The Inspector General of Police is assisted by a number of Senior Deputies and other staff who function under three main commands:

- (1) Territorial command,
- (2) Functional command, and
- (3) Operational command.

### **Territorial Command:**

The Senior Deputy Inspectors General Ranges (I) and (II) are in charge of the line functions, and actual territorial policing in the entire country. There are Deputy Inspectors General reporting to them, each in charge of a Territorial Range and responsible for traditional police work.

The Range Deputy Inspector General is incharge of the policing in a range and responsible for the effective and efficient accomplishment of traditional primary functions within a Range. He has line authority over and is responsible for directing personnel assigned to his Range for the accomplishment of Range tasks and is responsible to his Senior Deputy Inspectors General Ranges. He has no line authority over personnel coming under the functional Deputy Inspectors General. He should address all communications to Senior Deputy Inspectors General Ranges, who is his superior, in the following matters:

- (1) grievous crime and matters of public interest,
- (2) matters where he needs authorization and
- (3) Departmental policy matters.

Each Range Deputy Inspector General has several Police Divisions under him headed by Senior Superintendents/ Superintendents of Police who have Assistant Superintendents of Police under him in charge of Police Districts. A Police District has 3 to 5 Police Stations, each station manned by an Officer-in-charge, in the rank of Chief Inspector, Inspector or sub-Inspector according to the area, volume of work and strength of each station. There are 324 Police Stations located throughout the Country, grouped into 132 Territorial Districts and 35 Police Divisions.

The Police Service carries out all its Police functions through a network of Police Stations located throughout the country. These Police Stations have Branches established according to their responsibilities for controlling Administration, Crime, Traffic, Minor Offences and Vice. Each Branch will be headed by an Officer in Charge of the rank of Inspector, sub-Inspector or Sergeant. The personnel and other logistical requirements are provided to these stations according to their gradings, which is determined by the extent of crime, population, area, and volume of work.

### **Functional Command:**

The Senior Deputy Inspector General, Administration, Senior Deputy Inspector General, Crimes & Intelligence, and Senior Deputy Inspector General, Support Services, are in charge of administrative, auxiliary and specialized services assisted by a Deputy Inspector General responsible for each subject. These functional Deputy Inspectors General are responsible for establishing, developing and interpreting systems, policies and procedures relevant to their specialities. They have to satisfy themselves that policies and procedures are ably administrated in the field and recommend remedial action where systems welfare is materially concerned; and in co-ordinating tasks and activities performed within their functional speciality.

A Functional Deputy Inspector General has line authority over, and will be responsible for directing personnel assigned for the performance of these tasks. He has no line authority over personnel coming under Range management.

There are 39 Functional Units located mostly in Colombo performing specialised functions and providing expert, logistical, and other support to Territorial and Operational Commands. Each Unit is headed by Senior Superintendents of Police who are designated as Directors.

The Deputy Inspector General of Police, Information Technology, Research & Planning, is responsible for Computerization, Research, Planning and Statistics in the Department. The Deputy Inspector General of Police, Criminal Investigation Department, is responsible for Criminal Investigations and Deputy Inspector General of Police, Special Task Force, is in charge of the Special Task Force.

### **Operational Command:**

The prevalent terrorist situation in the country necessitated the formation of the Operational Command to protect villages from onslaughts of terrorist groups who launch attacks from jungle hide-outs. The Operational Command is placed under the charge of a Senior Deputy Inspector General who is assisted by Deputy Inspectors General of Police who are supported by other ranks in guarding villages and conducting para-military operations. This command is functional mainly in the Northern and Eastern Provinces and their bordering areas.

The activities of the Range and Operational Deputy Inspectors General complement each other in the achievement of Departmental Objectives. Authority is being delegated to them and cut off points are established so as not to infringe on or interfere with the activities of each other. This structure satisfies the management principles of span of control, unity of command, delegation of power and responsibility, lines of control and communication, and other related elements of an organization.



### Part III

#### Framework for Implementing Devolution of Law Enforcement in Sri Lanka

Establishment of Regional Police services and the National Police Service:

Draft provisions embodied in the proposed constitutional changes contemplate two types of Police services in the country, namely:

- (1) a Regional Police service for each region, and
- (2) a National Police Service.

The draft provisions devolve powers in Regional Councils. They state that the Regional Police Service shall be responsible for prevention, detection and investigation of all offences except offences listed in Sec. 25 (4) and of prosecutions in relevant courts in respect of such offences. These "listed" offences include offences against the republic, those relating to the Army, Navy, Air Force, those against the President, Prime Minister, Members of Parliament etc.

There is also provision for a National Police Service headed by a National Police Commissioner including National Deputy Police Commissioners, Senior Superintendents, Superintendents, Assistant Superintendents and other ranks required at National level.

The 13th Amendment to the Constitution and the Police Commission Act No. 1 of 1990 also divides the Sri Lanka Police service into two:

- (1) The National Division (including special units) and
- (2) A Provincial Division for each Province.

In addition, there is provision for another Police Division namely the "Metropolitan Division" that will cover the City of Colombo, Sri Jayawardenepura-Kotte and its environs.

In India too, New Delhi, the capital city, has a separate Police Service directly under the President and the Central Government. However in India, of course, there are two types of territories namely, States and Union Territories. In the case of States there are separate Police Services directly under the Chief Minister. In Union Territories such as New Delhi, Pondichchery and some of the off-shore Islands, the Police Service is directly under the President and Prime Minister. These Union Territories are directly governed by the President of India and the Indian Central Government.

The draft provisions of the proposed Constitution too provide for the Capital Territory, comprising the cities of Colombo and Sri Jayawardenepura-Kotte to be excluded from the jurisdiction of the Regional Council established for the Western Regions area and to be maintained under the Centre. As seen earlier, similar provisions are available in the 9th schedule of the Provincial Council Act, but they relate only to police functions. The present provisions bring the entire capital territories under the jurisdiction of the Centre along with their police functions. Therefore this capital territory will be under the control of the National Police and the National Police Commissioner and be administered by the Centre. This is an improvement on the Provincial Council Scheme in that the Thirteenth Amendment brought the entire Western Province under the administration of the Governor and the Chief Minister of the Western Province, and brought only the Police Division under the Centre, whereas under the draft provisions of the constitution, the entire Capital Territories come under the Centre along with their Police Service. This enables the division of functions and areas of control to remain clearer and more precise. It would enable administration to be free of controversy and better delineated.

The devolution proposals in the 13th amendment and Police Commissions Act regarding the Police Service have however not been implemented, even though Provincial Councils are functioning in the country. If they were implemented, there would have been consequent problems as the City of Colombo, Sri Jayawardenepura-Kotte and its environs are under the

administration of the Western Province, whereas the law and order functions in that area are under the Centre. The Governor and the Chief Minister will administer the Metropolitan Police Division area demarcated as the City of Colombo/Sri Jayawardenepura-Kotte and their environs, but will have no control over the Police Service in that area as in the rest of the Western Province. This would have created problems of severe magnitude as the Chief Minister and Provincial administration would have been deprived of powers in respect of law and order and general policing in the area. This type of situation has been overcome in the present proposals and in regard to this sphere, it could be stated that these proposals are an improvement on the Provincial Council system.

The draft provisions of the proposed constitution envisage a Regional Police Service for each region headed by a Regional Police Commissioner. This Regional Police Commissioner would be appointed by the Chief Minister in consultation with the Governor of the Region. Further the Regional Police Commissioner would be responsible and be under control of the Chief Minister in respect of maintenance of public order in the Region. These provisions bring the Regional Police Division directly under the direction and control of the Chief Minister of the Region.

The Thirteenth Amendment to the Constitution retains the Inspector-General of Police as Head of the Sri Lanka Police Service and places a Deputy Inspector General of Police in each Province as the Chief Police officer in charge of policing, but responsible to and under the control of both the Chief Minister of the Province and the Inspector-General of Police. The appointment of the Provincial Deputy Inspector General is by the Inspector General with the concurrence of the Chief Minister of the Province. Under the Provincial Council scheme, the Inspector General of Police continues to retain and exercise control though there will be Provincial Police administrative components responsible for maintaining law and order and exercising of Police powers under the Provincial Political Authorities.

These provisions in the Thirteenth Amendment and Police Commissions Act would have created problems if this system was put into force. Duality of control under the Provincial Council set up has been done away with under the draft provisions of the proposed Constitution. The Regional Commissioner of Police under whom the Regional Police Service will be functioning, will be appointed by the Chief Minister in consultation with the Governor of the Region, and he shall be responsible to and under the control of only the Chief Minister. There is no duality of control as was obvious under the Provincial Council scheme.

The Regional Police Commissioner like the Directors General of Police in the various states of India will work directly under the Chief Minister, and the Centre will have no supervisory authority or power over them. Therefore the present proposals have restored salutary management principles, namely, the Unity of command and scalar principle in the Organization structure of the proposed Regional Police Services.

#### *Example of Police Services in other countries*

A general survey of Police Services in other countries such as the United Kingdom, the United States of America, Canada and India will show that this draft provision is a welcome move and will not hinder general policing or the law and order situation in any way in the regions in Sri Lanka

There are 42 Police Forces in Britain and Wales apart from the Metropolitan Police of London and the heads of these forces are entirely responsible only to the political authority of each county.

The United States of America has a fragmented system of police administration comprising some 19,000 separate Municipal and County Law Enforcement Agencies and an estimated 21,000 additional Federal, State and Local agencies with specialized jurisdiction or responsibility. Approximately half the local law enforcement agencies consist of fewer than 10 officers. Basically,

two kinds of State Police Agencies exist in the United States: those with general functions similar to local police and those with limited responsibilities, mainly involving highway patrol on State Roads. A City Police is usually organized as one of several departments within the local government. The Police are a part of the local criminal justice system, which is the means by which society deals with criminals. The executive head of the Police Department - the Commissioner, Superintendent or Chief of Police, is usually appointed by a Mayor, City Administrator or Legislative body.

In Canada, there are about 800 Police Forces operating today. Their operations resemble those of Great Britain and the United States. Two Provinces, Quebec and Ontario, have Provincial Police for general law enforcement responsibilities; Here too the head of each Provincial Police is appointed by and responsible to the political Head of the Province.

In India each state has its own Police Force and the Director General of Police of each State is appointed by and responsible to the Chief Minister of each State. The Prime Minister of India has no control, or authority over these Directors General.

In the United Kingdom, the United States of America and India, from inception the Police has been a Metropolitan, State or Municipal subject. There had been no unified Police Service as such for the entire country. This may be mainly due to the size of those countries, and in the United States of America and India, also due to their forms of Governments classified as federal or quasi-federal.

In Sri Lanka, from the inception, there had been a unified Police Service for the entire country under the Inspector-General of Police who is the Head of the Police Service. This has made the people feel that the law and order machinery should be with the Centre as in the case of Armed Forces. This is the reason why, there is resistance to devolve law and order functions to the periphery.

In the proposed Regional Council system, the Regional Police Commissioner will be appointed by, and be responsible only to the chief Minister as it is so in the case of the many

examples quoted above. He will not report to two masters as in the case of the Provincial Police scheme of the 13th Amendment. This provision will allow the Regional Police Commissioner to function independently and with the help of the respective Regional Councils' administrations, perform the law and order functions effectively and efficiently, without conflict or ambiguity.

#### National Police Commission

The draft provisions of the constitution have provided for the setting up of a National Police Commission consisting of the National Police Commissioner and two others appointed by the Constitutional Council. This National Police Commission would be responsible for recruitment, transfer, promotion and disciplinary control of Police Officers in the National Police Service and the transfer of Offices of the Regional Police service from one Region to another. This Commission is expected to attend to personnel and administrative functions presently under purview of the Cabinet of Ministers and the Public Service Commission.

The National Police Commission under the proposed Regional Council System usefully can be entrusted with the following responsibilities in addition to what is mentioned in the draft provisions of the constitution.

- (1) Set standards for recruitment and promotion both in the National and the Regional Police Services.
- (2) Determine the nature, type and quality of firearms, ammunition and other equipment for the National Police Service.
- (3) Determine the nature, type and quality of firearms, ammunition and other equipment for the Regional Police Services after consulting the Regional Police Commissions.

- (4) Advise the government of Sri Lanka in fixing of the cadre of Police Officers of all ranks of the police service.
- (5) Provide for and determine all matters relating to the formulation of Codes of Conduct of Officers of the National and Regional Police Services.
- (6) Provide for and determine all matters relating to the procedure for the exercise and delegation of its powers of appointment, transfer, dismissal and disciplinary control of officers of the National Police Service.

The National Police Commission is also entrusted with the task of transferring police officers from one Region to another Region. The modalities by which this could be done has to be worked out by the Centre or by agreement among regions at the outset itself. However it may be done once a police officer makes an application for a transfer to another Region and it is recommended by the Police Commissioner of the Region and the Regional Police Commission and by the National Police Commission.

It is also to be noted that the appointment of two members of the National Police Commission by the Constitutional Council is a noteworthy move, as these members will not be appointees of the Government in power but some nationally, and non-partisan, recognized eminent persons.

#### *Regional Police Commissions*

There is provision for the establishment of a Regional Police Commission for each Region consisting of the Regional Police Commissioner and two others appointed by the Constitutional Council. The Regional Police Commission shall be responsible for the recruitment, transfer, promotion and disciplinary control of officers in the Regional Police Service. The draft provision also state that the Regional Police Commission in exercising its

powers, may if it deems it appropriate, adopt any criteria specified by the National Police Commission in respect of these matters.

The appointment of two members of the Commission is by the Constitutional Council, which will represent all political parties present in Parliament. This will help to bring objectivity to actions and acceptance by all since they have participated in the exercise.

The Regional Police Service would be responsible for prevention, detection and investigation of all offences (except offences listed in Sec. 25 (4)) and the institution of prosecutions in the relevant court in respect of such offences. In the discharge of these functions, the Regional Police Service would be under the direction, control and superintendence of the Regional Police Commission. This additional provision which is not found in the Provincial Councils Act or the Police Commissions Act, tend to give more power to the Regional Police Commission over the Regional Police Service. The role of the Regional Police Commission contemplated under the draft provisions appears to be of a supervisory character over the Regional Police Service. In addition to administrative and personnel matters, this Commission is expected to direct, control and supervise operations of the Regional Police Service. This too is a welcome move as the working of the Regional Police Service will be under scrutiny by a body, a majority of which is appointed by a neutral body, the Constitutional Council.

#### *Cadre, Salary and Perquisites*

The draft provisions have not referred to cadre, salary and perquisites of the National as well as the Regional Police Services. In the National and Regional Police Services, cadre, salary and perquisites may be allowed to be determined by the National Police Commission and the respective Regional Police Commissions. Their decisions can be ultimately approved by the President of Sri Lanka. The basis for this however has to be worked out by the Centre, in concurrence with the Regional Councils.

## Uniform

The draft provisions are also silent about the uniforms that should be worn by members of the National as well as Regional Police Services. All Police personnel in the Regional as well as National Police Services, could wear the same uniform and insignia of rank but different shoulder flashes may be devised by the respective Regional Services. Since the National Police Service is also expected to perform law and order duties, investigation into crime, traffic etc., they also should wear the uniform and insignia of rank with a distinctive shoulder flash indicating that it is the National Police. This can be designed by the National Police Commission with the approval of the Centre.

In the Provincial Council Scheme it has been specified that the members of the National Police Division should be in plain clothes while performing normal duties but have to be in uniform when required to perform duties in maintenance of public order. Under the proposed set up the National Police Commission as well as the Regional Police Commissions could decide as to who should be allowed to perform duties in plain clothes in their services according to the type of work they are expected to perform. But this has to be done carefully for uniforms give an aura of authority to the wearer in the eyes of the beholders and therefore should normally be preferred except in certain specified situations and for good reason.

## The Proposed Organizational Structure of the National Police

The National Police service will be responsible for Law and Order in the Capital Territory of the city of Colombo and Sri Jayawardenepura and have agencies in the Centre to aid and supplement the Regional Police Services in emergencies and also in the overall task of maintenance of law and order and internal security. Therefore the proposed structure will have the Police Commissioner reporting to the Minister of Defence and under

the Commissioner, there will be several Deputy Commissioners in charge of specialized Police Agencies and territorial policing i.e. Capital Territory comprising the City of Colombo and Sri Jayawardenepura-Kotte.

The proposed organizational structure of the National Police Service will have eight Deputy Commissioners working under the National Police Commissioner and their functions and responsibilities can be listed as follows:

1. **Deputy Police Commissioner - Administration**, will be in charge of all Administrative and financial matters, and the following divisions will work under his supervision:
  - National Police Headquarters Administration
  - Financial Administration
  - Internal Audit
  - Civil Administration,
  - Commissioner's Command Room,
  - Information Technology,
  - Research & Planning
  - Statistics
  - Police Public Relations, and
  - Special Investigation Unit.
2. **Deputy Commissioner-Human Resources:** Will be responsible for human resources development and the following Divisions will be under him.
  - Personnel Division
  - Recruitment Division,
  - Establishment Division,
  - Higher Training,
  - Police Training College,
  - In-service Training,
  - Human Resources Management, and
  - Discipline & Conduct.

**3. Deputy Commissioner-Criminal Investigation**

**Department:** will be responsible for investigations into serious and national important security matters in the National police area as well as in the Regional Council areas. The following divisions will come under him:

- Criminal Investigation Department,
- Criminal Records office,
- Interpol Division, and
- Anti Terrorist Unit.

The Criminal Investigation Department could function on the lines of the Central Bureau of Investigation in India and handle special investigations and heinous offences when called upon to do so by State Governments.

**4. Deputy Commissioner Logistics:** will be in charge of logistics, transport and communication, which will include the following Divisions:

- Supplies Division
- Physical Assets Management Division
- Building Projects
- Housing Development
- Transport Division, and
- Communication Division.

**5. Deputy Commissioner-Intelligence & Security:** will be responsible for collecting intelligence and providing security to VIPP.

The Intelligence Bureau in India co-ordinates operations of the Special Branches and maintains a liaison with Police Agencies in the Centre in pursuit of the overall task of monitoring the law and order situation in the country and the maintenance of Internal Security. The Deputy Commissioner, Intelligence and Security, could work on these lines.

The following divisions will be under him:

- Intelligence Division,
- President's Security Division,
- Prime Minister's Security division,
- Ministers' Security Division,
- Ex-President's Security division,
- Security Co-ordinating Division, and
- Special Investigation Division.

**6. Deputy Commissioner - Crimes** will be responsible for matters relating to Crime, Traffic and Narcotics.

Sec. 25 (4) of the Draft Provisions of the Constitution has given a list of offences that has to be investigated only by the National Police. These offences include, offences against the Republic, those relating to the Army, Navy, Air Force, those against the President, the Prime Minister, Speaker, Ministers, Deputy Ministers and any member of Parliament etc. A Unit of Police Officers under his command can investigate into these offences, and will be supervised by him and his support staff.

The Deputy Commissioner can also represent the entire Country in the Narcotics Conference of the SAARC countries.

The following Divisions will be under him:

- Crimes Division,
- Narcotics Division,
- Traffic Headquarters Division,
- Mounted Division, and
- Rewards.

**7. Deputy Commissioner - Field Force:** will be in charge of combat training and have Riot squads under him to be sent to the assistance of the National Police Service as well as to the Regional Police Services when a request is made. He will also be responsible for distribution of arms and ammunition to be National as well as to the Regional Police Services.

This Unit can work as the counterpart of the Central Reserve Police Force (CRPF) in India which is the major Law and Order Unit to aid state administrations.

The following Divisions will be under him:

- Armed Police
  - Riot squads
  - Platoons
  - Home Guards
8. **Deputy Commissioner-Special Task Force:** will be in charge of the Special task Force which is deployed at present in the North and East.
9. **Deputy Police Commissioner-Capital Territory:** will be responsible for the efficient and effective management of traditional law and order functions in the Capital Territory comprising the Cities of Colombo and Sri Jayawardenepura-Kotte. He will have Senior Superintendents of Police, Superintendents of Police and other ranks in charge of Divisions, Districts and Police Stations respectively.

### *Proposed Organisational Structure of a Regional Police Service*

As seen earlier, according to draft provisions, the Regional Police Services are responsible for usual and traditional police duties i.e. preservation of law and order, detection, prevention and prosecution of crimes, offences etc. in their respective Regions. These Regional Police Services will function under respective Regional Political Authorities. Therefore the organizational structure of a Region too needs to be changed radically from the present one.

The principal and more important change is that the Regional Police Commissioner will work directly under the Chief Minister of a Region. He will be appointed by the Chief Minister

in consultation with the Governor, and function under control of the Chief Minister in respect of maintenance of public order in the Region. Therefore he will be reporting to the Chief Minister.

The Office of the Regional Police Commissioner will be the Police Headquarters of the Regional Police Service. Since the Regional Police Commissioner and the Regional Police Commission will be responsible for entire Police Administration in the Region, the infrastructure of this Headquarters has to comprise functional Divisions such as those in charge of Administration, Human Resources, Logistics, Security & Intelligence and Crime, apart from traditional police functions. Therefore the proposed structure will have two Deputy Commissioners under the Regional Commissioner in charge of Functional Command and Territorial Command respectively.

### *Deputy Police Commissioner, Functional Command*

Deputy Police Commissioner - Functional Command will handle the administration of the Regional Police Headquarters and other specialized Divisions/Units and have Senior Superintendents under him responsible for Administration, Human Resources, Logistics, Finance, Security and Intelligence and Crime.

**Senior Superintendent - Administration** will be responsible for the Administration of the Regional Headquarters, Financial Administration, Internal Audit, Civil Administration, Special Investigation Unit, Information Technology, Research & Planning, Statistics, Public Relations and Welfare.

**Senior Superintendent - Human Resources** will handle Establishments, Recruitment, Selection and Promotions, Training, Discipline and Conduct, Dismissal, Human Resources Development and Inservice Training.

**Senior Superintendent of Police - Logistics** will be entrusted with the procurement of Uniforms, obtaining Supplies, Transport, Communication, and managing Housing and Building Projects.

**Senior Superintendent of Police - Security & Intelligence** will be responsible for the security of the Chief Minister and Ministers of the Regional Council and other VIP and will also collect and co-ordinate intelligence.

**Senior Superintendent of Police - Crimes**, will co-ordinate all Crime, Traffic, Narcotics and Public Order matters in the Region. He will also be responsible for the payment of rewards.

#### *Deputy Police Commissioner - Territorial Command*

He will be responsible for conventional police work and have Senior Superintendents of Police in charge of Divisions, Assistant Superintendents in charge of Districts and officers-in-charge of Stations and other staff working under him.

The relations and activities between the Functional and Territorial Ranges in the Region will be complementing each other in the achievement of the Regional Police Service's objectives.

#### *Recruitment and Selection*

Recruitment to the Police Department is done now centrally according to a prescribed method at three levels-Police Constables, Sub-Inspectors and Assistant Superintendents of Police respectively. Minimum educational, physical and other requirements have to be satisfied to be selected to each level. The Inspector-General of Police determines the cadre of the Police Department with the concurrence of the Secretary,

Ministry of Defence, and the Treasury. Thereafter, annually the shortfall in vacancies is filled after calling for applications through advertisements in Newspapers and the Government Gazette. Applications are processed in the Recruitment Office, which is headed by the Director/Recruitment who works under the Deputy Inspector-General, Recruitment and Training. Applicants are thereafter called for the first interview where educational and other attainments will be verified as well as the physical requirements such as the height and chest measurements. Applicants selected in the first interview will be considered for an endurance test and a written examination. Those successful will be considered for the final interviews and those finally selected are referred to a Medical Board. Then security clearance will be obtained from the local Police, National Intelligence Bureau and civil authorities before they are enrolled for training.

Applications for the post of Assistant Superintendent of Police are received by the Public Services Commission. An open competitive written test will be held for those with basic requisite qualifications. Thereafter candidates who have obtained a score of 50% or more of the marks will be called for an interview. Those successful have to undergo the usual Medical Board test and comply with a security clearance requirement before they are trained.

In addition, promotions take place from rank to rank. Qualifications and requirements for all three levels are stipulated in the Recruitment Scheme. No direct recruitment is made to the ranks of Police Sergeant. Sergeant Major, Inspector, Superintendent and Senior Superintendent of Police, since they are only filled by promotions from lower grades.

Direct recruitment to grades of Sub-Inspector and Assistant Superintendent of Police is done in order to bring outsiders to help prevent inbreeding and to usher in new people who could introduce fresh thinking and new perspectives. It is a form of adding fresh blood and enriching stock.

Furthermore, recruitment to levels of Assistant Superintendents of Police are made to attract young graduates from Universities to infuse new concepts, new thought and usher in an inquiring attitude that can stimulate rethinking and



reappraisal among existing cadres. Direct recruitment to the level of Sub-Inspector is done at the ratio of one direct recruit in addition to one promotion from the ranks in the Department. In the case of Assistant Superintendents of Police, one direct Assistant Superintendent of Police is recruited in proportion to every three promotions effected from the service. However it should be noted that there had been no direct recruitment to Assistant Superintendent of Police since 1987. This is indeed a questionable action.

The prevailing scheme of recruitment was formulated only in 1989, based on one that had existed for over 20 years. It was updated to suit changing times and requirements. The Committee appointed to make suggestions for improving the efficiency and effectiveness of the Sri Lanka Police Service on 24.02.95 has commented on the prevailing scheme of recruitment as a very good one. Hence the existing scheme of recruitment could be advantageously adapted and used for future National Police as well as Regional Police Services.

The recruitment to the National Police Service as well as the Regional Police Services can continue to be done at three levels: Assistant Superintendents of Police, Sub-Inspectors and Constables respectively. The National Police Commission and Regional Police Commissions can directly handle recruitment to the higher level of Assistant Superintendent of Police to the National as well as the Regional Police Services. Recruitment to other ranks could be delegated to the National Police Commissioner and Regional Police Commissioners respectively.

However, at the outset, when the National Police Service and Regional Police Services are formed, the National Police Service and the respective Regional Police Services will have to absorb officers of all ranks from Senior Superintendents of Police to Police Constables who opt to be seconded for service from the present Sri Lanka Police Service. The draft provisions empower the Regional Police Services to have officers from the ranks of Regional Deputy Police Commissioners to Constables seconded from the present Police Services. The shortfall in the National Police and the Regional Police Services can thereafter be recruited from outside.

## Training

The function of "Training" has not been devolved under the Regional Council Scheme. In the Provincial Council Scheme too, this function had not been devolved and the Centre has been empowered to train all recruits to all three Police Divisions in consultation with the National Police Commission.

Training is a cardinal aspect in a Police Service since a Policeman is made and not born. Therefore the aspect of training too should be given adequate importance and responsibility is cast on the National as well as Regional Police Commissions. Recruits have to be trained according to requirements of the police services.

In all spheres of employment increased stress is laid today on the need for scientific training and the need to follow up training with special courses at various points in one's career. The objective is to make the officer a professional in his career and also to keep him updated in the field of expertise and latest systems, methodology and technology from time to time.

At present Police Constables, Sub-Inspectors and Assistant Superintendents of Police on recruitment undergo a 6 months period of training at the Police College, Kalutara. Police Constables are thereafter attached to Headquarter Police Stations during their period of probation. This period of attachment is regarded as an extension of the initial training process. Assistant Superintendents too are treated as under training during the probationary period of three years at the Police College.

Regional Police Services should establish Training Colleges in their respective areas for Induction training for Constables and Sub-Inspectors. After training they could be kept under probation for three years during which period, they will be given on the job training. They should be confirmed as Police Constables and Sub-Inspectors only after they are found to be suitable for the Police Service.

The existing training schools at Nikaweratiya, Elpitiya, Mahiyangana, Katana, Ampara, Kundasale, Kandy and Pahalagama can continue to train recruits of Regional Police

Services. New training schools can be established in Regions where there is no training school located at present.

The recruits as Assistant Superintendents could be trained at the Police College, Kalutara, which will function as the National Police Training College. Constables and Sub-Inspector trainees from Regions too could be sent to the National Training College for a specific period of training after initial Induction Training at respective Regional Training Colleges and for special types of training.

### *Inservice and Higher Training*

There are Inservice Training Centres established at Provincial Towns which are controlled by the Senior Deputy Inspector-General, Administration, and Deputy Inspector General, Higher Training, from Colombo. Under the Regional Council Scheme, these Inservice Training Centres could be brought directly under the control of respective Regional Police Commissioners and their Deputies.

The Higher Training Institute located at the present Police Headquarters can remain under the National Police Commissioner and the Deputy Commissioner-Human Resources at the National Police Headquarters. This Institute can impart supervisory, managerial and executive training to officers of middle and senior ranks in both the National as well as the Regional Police Services. This will enable senior and middle level officers of both services to meet and exchange experiences, in addition to acquiring skills that will be imparted at the Institute.

### *Promotions*

Some of the advantages in promoting an insider from the force are:

1. Promotion from within is less expensive than transferring or hiring,

2. Promotable insiders are proven performers,
3. Promotion from within can be an incentive and have a positive motivational effect, and
4. The internal selectees know the organization and need less time to adjust to their new jobs.

Therefore promotions from within the ranks of the service will be more beneficial. It would also be cost effective, entail less training and could provide a fillip for all workers to perform well. At the same time, direct recruitment is also necessary from outside to infuse new perspectives, new ideas, and fresh blood. Good criteria of recruitment and good training thence can bring in useful and efficient newcomers to enrich the services.

An improved scheme of promotion has been implemented for the entire Department from January 1985. Accordingly, Police Officers in the rank of Police Constables, Sergeants, Sergeant Majors and Sub-Inspectors have to apply for promotion to the next rank to the Director, Higher Training, after completing 5 years in each rank. Applicants, duly qualified, then sit a written examination on Law, Practical Police Work and Departmental Orders conducted by the Higher Training Institute. Those who obtain a score of 50% and above will be required to forward an evaluation form and selection is made on the evaluation done. Once selected, they will be trained for 3 months and acting appointments are made for one year. Afterward a final assessment will be done based on the monthly performance of the personnel and suitable candidates will be confirmed in the new rank. In addition, a smaller percentage of vacancies is reserved for the promotion of officers, who have long satisfactory service alone. In promotions of this nature the Appointing Authority in respect of the ranks of Police Sergeant, Sergeant Major, Sub-Inspector and Inspector of Police is the Inspector-General of Police.

The promotions to the ranks of Chief Inspector and Assistant Superintendent of Police, are directly handled by the Public Service Commission. Applications are called from officers

who are eligible to apply. Thereafter selection is made by an Interview Board appointed by the Public Services Commission.

Promotions from the rank of Assistant Superintendent of Police to Superintendent of Police and Superintendent of Police to Senior Superintendent of Police are based on service stipulations of 8 years and 5 years respectively. These promotions too are handled by the Public Service Commission directly. An Assistant Superintendent of Police is promoted a Superintendent of Police on completion of 8 years in the rank, if his work and conduct are found to be good. Similarly, a Superintendent of Police is promoted Senior Superintendent of Police after completing 5 years of satisfactory service. Hitherto, promotions to the rank of Deputy Inspector-General of Police was made by the Public Services Commission on the recommendation of the Inspector-General of Police and the Secretary, Ministry of Defence. However in the recent past the Public Services Commission has appointed Boards of Interview and promoted Deputy Inspectors General of Police from Senior Superintendents of Police.

Apart from this scheme, in exceptional cases where immediate promotion is merited, the Inspector-General of Police may award such promotions to any Police Officer up to the rank of Inspector of Police. These special promotions are normally given for outstanding good work done.

The draft provisions of the proposed constitution empower the National Police Commission to promote officers in the National Police Service while Regional Police Commissions enjoy such power in respect of offices in the Regional Police Services. It is also stated that the Regional Police Commission in exercising those powers, if it deems it appropriate, can adopt any criteria specified by the National Police Commission to govern this matter.

The present scheme of promotions can be continued with certain changes in the National Police Service as well as in the Regional Police Services under the devolved structure. This will enable an uniformity of standards to be maintained throughout the country in both Police Services, in respect of promotions from rank to rank.

The present scheme of promotions, though effective, need changes in the following areas. In the case of promotions to the rank of Sergeants, Sergeant Majors, Sub-Inspectors and Inspectors "a Board of Interview" must select the promotees after a qualifying examination and evaluation process. In the case of Assistant Superintendent of Police, Superintendent of Police and Senior Superintendent of Police, there is no cadre allocated for different ranks and ;promotions are given on a service stipulation. This will not encourage officers to earn their promotions. Therefore cadre should be allocated for each rank and the promotions be given on seniority and merit, preferably by an Interview Board. The Committee appointed on 24.02.95 referred to earlier, has also recommended that the present promotion system in respect of Superintendent of Police and Senior Superintendent of Police should be changed after fixing a cadre for each rank.,

The National Police Commission and the Regional Police Commissions that are responsible for effecting promotions can delegate their powers and responsibilities to decide on elevations up to the rank of Inspector to the National Police Commissioner and respective Regional Police Commissioners. The National Police Commission and the Regional Police Commission can handle promotions to the rank of Chief Inspector and above directly as it is done at present by the Public Services Commission. Deputy Commissioner, Personnel, will handle the subject of promotions from rank to rank up to Inspector of Police in the National Service. Deputy Commissioner, Functional Command, will handle this subject in the Regional Police Services with the assistance of the Senior Superintendent of Police, Human Resources.

With regard to special promotions, it would be desirable if the National Commissioner of Police and respective Regional Commissioners of Police are authorized to promote personnel in exceptional circumstances up to the rank of Inspector of Police.

## Transfers

Transfers are made once an officer completes a period of service in a station or in a function to effect a change in the environment he works. If an officer stays in a station or functions for longer periods he grows stale, the work becomes stale to him and productivity often wanes. Furthermore, transfers are effected in order that an officer can gain experience in all aspects of police work. This is vital and essential for a Police Service, which is expected to perform numerous types of functions and services. And any officer should be able to cope with a problem or situation when needed to do so.

At present, in the Police Department, all transfers of police officers between functional, Operational and Territorial Ranges and between Ranges are done by the Inspector-General of Police assisted by the Deputy Inspector General of Police Personnel. A Deputy Inspector-General of Police of a Range can effect transfers of all officers up to the rank of Chief Inspector within the Range. The transfers of Headquarters Chief Inspector's and of the Officer in charge of stations is done by the Inspector-General of Police with the approval of the Secretary, Ministry of Defence.

The draft provisions of the proposed constitution devolves the power of transfer within the National Police Service and the Regional Police Services on the National Police Commission and on the respective Regional Police Commissions. The National Police Commission is also given added responsibility regarding the transfers of officers of the regional Police Service from one region to another.

Since the National Police Service and the Regional Police Services are two separate entities, transfers of Police Officers between these two services is not provided for in the draft provisions. However, the National Police Commission can effect transfers from one Region to another or from the National Service to the Regional Service or vice versa perhaps on an application made by the officer himself through the Commissioner of the respective Regions and on his recommendation.

The draft provisions of the envisaged set up however give the responsibility to the Police Commissions to transfer all officers within the services irrespective of any rank. This responsibility could be delegated to the National Police Commissioner and Regional Police Commissioners. The National as well as Regional Police Commissioners can transfer even senior Gazetted Officers and Officers in charge of Stations within the respective services with the concurrence of the respective Police Commissions.

## Disciplinary control and Dismissal

At present, powers of dismissal and of disciplinary control of public officers are vested in the Cabinet of Ministers who directly exercise these powers in respect of Secretaries to Ministries, Heads of Departments, Government Agents and Additional Secretaries. The Cabinet of Ministers have delegated powers of dismissal and disciplinary control in respect of all other categories of officers in the Public Services Commission (Section 2 of Chapter 18 of E.C. Volume II).

Therefore the disciplinary authority in respect of the Inspector-General of Police is the Cabinet of Ministers. The Public Services Commission has delegated its powers of dismissal and disciplinary control over other officers of the Department to the Secretary, Ministry of Defence. The power of dismissal of Senior Gazetted Officers lies with Secretary, Ministry of Defence and with regard to other ranks with the Inspector-General of Police.

Discipline is a cornerstone of a "uniform" department like the Police. At present there is a disciplinary Code and a scheme of disciplinary procedures spelling out how preliminary as well as formal disciplinary inquiries should be conducted against any allegation of indiscipline by a police officer. Disciplinary matters are identified into 3 main categories:

1. Minor lapses,
2. Serious lapses within the Service,

3. Representations from outsiders such as complaints against Police Officers by members of the public.

Minor lapses are handled by meting out minor punishments to an officer like warnings, reprimands and fines; serious lapses within the Police such as Indiscipline, Disobedience to Orders, Neglect of Duty and Oppressive Conduct detected by any Senior Officer placed above the offending officer will be subjected to a Preliminary Inquiry and then be followed by a Formal Inquiry by a Senior Gazetted Officer who will recommend condign punishment. In cases of complaints against officers by members of the public, an officer of and above the rank of Assistant Superintendent of Police should hold the Preliminary Inquiry. Once a prima facie case can be established, a Charge Sheet is served and a formal inquiry is held by a Board of Inquiry with two members of the public headed by a Senior Gazetted Officer. There is provision for the accused officer to request for a Lawyer or outsider to hold the formal Disciplinary Inquiry against him. For this purpose a list of Lawyers with 10 years experience, retired Judges, and retired Public Servants of Executive Grades are available at all Police Divisions. If charges are proved, a suitable punishment will be imposed including dismissal according to the gravity of the offence. Appeals against the order of dismissal are made to the Public Services Commission which is the final Appellate Authority.

Draft provisions of the proposed constitution have allotted the responsibility of disciplinary control of all officers to the National Police Commission and the Regional Police Commissions respectively. Under the unimplemented part of the Provincial Council Scheme, the National Police Commission is given powers of disciplinary control over members of the National Police Division including power to dismiss officers other than the Inspector General of Police. The Inspector-General of Police will continue to be under the disciplinary control of the Cabinet of Ministers. The National Police Commission also has power to hear and determine appeals of an officer of the National Police Division seconded to the Provincial Division

against whom disciplinary action has been taken by the Provincial Police Commission. Therefore under the Provincial Council Scheme, the National Police is the final disciplinary authority in the case of Police Officers seconded to various provinces. The disciplinary authority in respect of the Deputy Inspector General too is also the National Police Commission.

In the current draft provisions, disciplinary authority in the case of the National Police Commissioner continues to be vested in the Cabinet of Ministers and in the case of Regional Police Commissioners, the disciplinary authority has to be the Regional Council Board of Ministers and the Governor. This needs constitutional clarification.

The proposed National Police Commission and the Regional Police Commissions may delegate their disciplinary powers to respective Police Commissioners of the relevant services and other Senior Officers as it is done at present. Therefore, apart from the above contemplated change, the existing Police Disciplinary Code, Disciplinary Inquiry Systems and the practice of the delegation of disciplinary authority could be adopted under the new system without making any substantial change.

### *Investigations into Crimes and other offences*

The Draft provisions now under discussion delegates to the Regional Police service the responsibility for prevention, detection and investigation of all offences (except offences specified in para 4 of Section 25) and the institution of prosecutions in the relevant courts in respect of such offences. The listed offences that shall not be investigated by the Regional Police Service are:

- Offences against the Republic
- Offences relating to the Army, Navy and Air Force

- Offences relating to elections except local 'authority elections'
- Any offence committed against the President
- Any offence committed against the Prime Minister, the Speaker, a Minister, a Deputy Minister or a Member of Parliament,
- Offences relating to coins, currency and Government stamps,
- Any offence relating to property belonging to the Republic or a State Corporation, Company or Establishment, the whole or part of the capital whereof has been provided by the Republic,
- Any offence under any law relating to any matter in the Reserved List,
- Any offence in respect of which courts in more than one Region have jurisdiction, and International crimes,

The Provincial Council Scheme also has a list of "scheduled offences" which could be investigated only by the National Police, which is the same as the one in the present provisions. However, under the Provincial Council Scheme in order to investigate "scheduled offences" in a Province, a Unit of the National Police will be attached to such Province and it is provided that all Police Officers serving in the Unit of the National Division and Provincial Division in and Province shall function under the direct control of the Deputy Inspector-General of Police of such Province. Thus the Deputy Inspector General of Police of the Province though he has no legal authority to investigate "scheduled offences", yet officers empowered to investigate into these offences are to function under his direction and control.

The present provisions do not spell out such a unit to function in the Regions to investigate into offences "Listed". However it is imperative that such a unit is necessary in each Region. This Unit can work under the administrative control of the Commissioners of respective Regions, but the modality of this has to be worked out.

The list of offences that cannot be investigated by the Regional Police Services are substantive and take away from regional Police Services, the power of investigation in almost all important and significant matters. It could be stated that the power of investigation of offences pertaining to almost all matters of National significance have been taken away from the purview of the Regional Police Services. This leaves the Regional Police Services in a somewhat subordinate position compared to the National Police Service.

#### *Powers of Arrest*

An aspect that also needs to be discussed following innovations is whether the general police powers that flow from the Police Ordinance and other relevant acts held by individual Police Officers remain unchanged under the new Provisions. For instance, presently, Section 34 of the Code of Criminal Act No. 15 of 1979 gives a Police Officer the power of pursuit and arrest without a warrant in any part of Sri Lanka. In this context, no such question will arise about the exercise of general police powers by police officers in respect of undeveloped subjects as the National Police Commissioner is mainly responsible for handling these offences. In the case of devolved subjects, the question is whether a Regional Police Officer can proceed to another Region and effect an arrest.

In the case of the Provincial Council Scheme, the induction of Section 16 of the Police Commission Act, provides that authority may be granted to any other Province by the Provincial Council. The particular Provincial Division may then exercise such powers with the prior approval of the Inspector General of Police in investigating an offence committed wholly or partly

within that Province. This provision has given such powers to all officers. Enactment of such a special law is necessary in order to enable Regional Police Officers to proceed and arrest without warrant in any part of Sri Lanka.

### *Regional Police and Financial Control*

Financial matters, establishments and equipment need to be worked out in regard to Regional requirements and not only funds but also adequate authority to use such funds should be vested in the Regional Police Services if work is to be effectively performed and the objectives for which the resources are allocated are to be achieved.

The draft provisions are silent on the subject. Yet it could be presumed that the Centre will allocate necessary funds to Regional Councils in their annual estimates for all Police activities as it will be done in regard to the other devolved subjects under the Regional Councils scheme. In turn balance funds necessary for policing could be raised from the Regions themselves by Regional Councils. The Regional Council will then, release necessary finances to a Regional Police Commissioner who will handle financial matters in respect of the Regional Police Service.

Without adequate funds, a devolved police set up is bound to fail miserably. A devolution of financial powers will allow the Regional Council headed by the Chief Minister and also the Regional Police Commissioner to have a better control of the money allocated for dealing with law and order functions, in addition to efficiently utilizing such allocated funds. Actual expenditure will be diverted to meet the real and felt needs of Regions when they plan and utilize finances to conduct and maintain law and order within a Region.

Presently though the Deputy Inspector General in charge of Territorial Ranges are supposed to be fully in charge of all police activities in their respective Ranges which correspond more or less to a Province, in practice, it really is not so. For example, all financial matters are being dealt with by the Senior

Deputy Inspector-General, Administration, and the Chief Accountant from the Police Headquarters, directly with Superintendents of Police of Divisions. Often the Range Deputy Inspectors General are not consulted when such decisions are taken in respect of financial matters regarding Police Divisions under them.

Likewise Superintendents in charge of Police Divisions, directly contact the Inspector General of Police or the Functional Deputy Inspectors General at the Headquarters and get financial, logistical and welfare requirements attended-to bypassing their Range Deputy Inspectors-General. This has been a practice prevailing over the years and has made the Deputy Inspectors General of Territorial Ranges helpless and powerless regarding financial control over their Ranges. This has prompted the committee appointed on 24.02.95 to advance suggestions for increasing the efficiency and effectiveness of the Police Service to state about the Deputy Inspector General of Ranges (Territorial) that,

"... his position is in fact, downgraded by the arrangement by which his financial operations are technically managed by a Superintendent of Police of a Division who serves under him"

The proposed devolution scheme will do away with this type of unhealthy situation and the Regional Police Commissioner will be responsible for all functions in the Region such as Administration, Personnel, Welfare and Logistics. They will be fully and directly under his control.

The Regional Commissioner of Police will totally depend on the Chief Minister and Regional Council for all his requirements for the Police service. The Chief Minister being the person who is Head of the Region and being aware of priority areas and the importance of maintaining law and order for good administration, will along with the Regional Police Commissioner chart plans for proper police establishments and provide all facilities that are necessary to establish them in the

Region. The Regional Police Commissioner too need not go to the Centre to ask for his requirements as it is done at present. He will have to get all requirements from the Regional Chief Minister who is fully aware and conversant of the existing ground situation.

#### *Police Stations and their Relationship with the Public*

The relations between the Police and the public cannot be viewed in isolation. The police officer attached to the new Police Service needs to change his attitude and be trained on "Human Rights". The Police Officer on recruitment and at the beginning of his career could be psychologically conditioned to be always mindful of human rights, approach his police duties in the proper perspective, and be more humanitarian. He should be trained to avoid use of harsh words and foul language at all cost. The Police Station itself needs certain modifications. There could be a Reception counter. Benches should be replaced with chairs for members of the public. Perhaps a female police officer could attend to members of the public on their arrival at the Police Station. She could with normal courtesy, direct them to the appropriate unit where their statements could be recorded without delay. To deal with complaints of offences against women and perhaps children, a separate Unit could be created in a Police Station staffed by Women Police Officers.

The work of the Station too could be arranged according to functions under a Prevention Unit, Investigation Unit, Prosecution Unit and Administration Unit and under the overall supervision, command and control of the Officer in Charge of the station. In the interest of maintaining the morale and efficiency, all police officers in the Station should be rotated periodically within these units. This will enable all police officers attached to a station to get acquainted with all types of police work and perform their tasks efficiently and effectively.

## *Part IV*

### *Conclusions/Recommendations*

#### *A new experiment in Sri Lanka*

Since devolution of law and order like devolution itself is a new experiment, it is likely that a devolved Police Service cannot find it easy to function without problems, especially initially. Therefore, it is good to identify, possible problems at an early stage so that ways and means may be evolved to overcome them. The example of countries such as India, the United States of America, Canada and even the United Kingdom where Police Services are State or Municipal subjects demonstrate that these forces are working exceptionally well. It is hence a clear indication that the proposed scheme for Sri Lanka could also work well if implemented in the correct spirit, attitude and with a proper perspectives.

#### *Devolution of Police powers and separation*

The Regional Police Commissioner, who is head of the Regional Police Service is appointed by the Chief Minister of the Region in consultation with the Governor. Further, the Chief Minister will exercise control over the Regional Police and the Regional Police Commissioner will be reporting to him. This position has created an impression on some people that the Chief Minister could use the Police to establish a separate State or he can operate completely against the Centre and create problems. This fear is unwarranted because there are safeguards in the draft provisions on devolution to ensure that a Chief Minister of a Region cannot manipulate the Regional Police Force to do anything against the constitution. Some of such safeguards are:

1. The regional Police Commission will consist of the Regional Police Commissioner and two others appointed



by the Constitutional Council which is a central body, containing members of all parties representing the Parliament. Therefore the two members appointed would be persons of eminence and distinguished and not likely to be belonging to the political party which is running the administration in the Region.

2. The Regional Police Service, in the discharge of its functions shall be under the direction, control and superintendence of the Regional Police Commission. This means that the Chief Minister of a region cannot get the Regional Police Service to do anything unconstitutional or illegal as the Regional Police Commission will exercise some control over the working of the Regional Police Service. Though the Regional Police Commissioner shall be responsible to and under the control of the Chief Minister, the work of the Regional Police will be directed, controlled and supervised by the Regional Police Commission. This has only made clear that the Regional Police Commissioner cannot disregard the Chief Minister which is understandable.
3. The Regional Police Service has no power to investigate into certain offences such as offences against the State, threats to National Security, offences relating to an election, inter-regional and international crimes. These offences will be investigated by the National Police Service at the Centre. Therefore the Regional Police Service has only limited powers so far as the investigation of crime in the region is concerned. All important matters of National significance will be handled by the National Police Service, which will be controlled by the Centre, and not the region.
4. The President has special powers given in the constitution to overcome any problem caused by a Regional Council or a Regional Police Service.

The special powers of the President are:

- 4.1 If the President is of opinion that the security or public order in a Region is threatened by armed insurrection or grave international disturbances or by any action or omission of the Regional Administration present a clear and present danger to the unity and sovereignty of the republic, he can make a proclamation to bring the provision of the law relating to public security into force in the Region. Thereafter he could deploy in aid of the civil power, the armed forces or any unit of the National Police Service for the purpose of restoring public order.
- 4.2 If the President is satisfied that the Regional Administration is promoting armed rebellion or insurrection or is engaged in an intentional violation of the constitution, he can by proclamation assume to himself all or any of the functions of the administration of the Region. These are strong special powers in reserve.
- 4.3 The President also has the power to dissolve the Regional Council in the above circumstances. Severe deterrence indeed.
5. Issue of arms and ammunition to the Regional Police could be determined by the Centre after consulting the National and Regional Police Commissions. The Regional Police Services can be given arms and ammunition that are necessary for law and order duties and to tackle criminals and terrorists. Heavy and powerful arms will not be necessary for a Regional Police. This is an effective way of restricting the potential power of the regional police.
6. The three armed forces and Para Military Forces such as the Special Task Force, Home Guards etc. will be under the Centre and the Centre can fall back on their assistance when they are faced with any problems with the Regional

Administration. Surely they can overcome a threat emanating from any region.

The above mentioned safeguards will ensure and work as a prohibition and check on Regional Administrations and prevent them from resorting to unconstitutional or illegal methods, if ever they attempt to misuse police powers against the constitution. The President when there is any threat to do so can come down hard and even take control of the Regional Council Administration.

#### *Declining Standards within the Police Service*

It is a general perception that standards within the Police Service have declined, which of course cannot be wholly denied. Since 1956, Sri Lanka has been faced by severe law and order problems which has tested not only the Police but also the Military Forces. Now, in spite of great strides the Police Service had made to cope with new rising demands, it also has been accused at the same time of human rights' violations and improper investigations. Even Special Presidential Commissions which investigated into several cases have found serious lapses in procedure and suppression of material by certain elements in the police who handled investigations into killings.

To overcome this situation, the Special Presidential Commission which investigated the Vijaya Kumaranatunga assassination has recommended the establishment of certain safeguards to shield the Police from undue pressures. When investigating politically motivated crimes, one proposal was that such incidents should be investigated by a Special Unit headed by a Deputy Inspector-General of Police who could be appointed by the proposed "Constitutional Council" envisaged in the draft new constitution. The other proposal was for the establishment of an "Ombudsman" type permanent Commission to investigate complaints of inaction, abuse of authority, suppression of material and partiality on the part of the Police. Some measures of civilian supervision over activities of the Police and the prosecution

process have been accepted in many countries from Europe to Japan. It is desirable for Sri Lanka too to emulate such salutary measures which could in addition act as a prophylactic of police abuses and a corrective.

The proposed Regional Police Commissions have been given the power of direction, control and superintendence of the Regional Police Services in terms of the draft provisions of the constitution. The Regional Police Commissions which will have three members of whom two are to be appointed by the "Constitutional Council" are expected to counter the deteriorating standards, so widespread in the Police Service. Therefore the regional Police Commission can cover the work recommended by the Special Presidential Commission and work like an ombudsman to investigate complaints of inaction, abuse of authority, suppression of material, and partiality on the part of the Police.

By devolving Police powers and functions to Regions with proper supervision and effective and efficient management, it is possible to create a more peaceful and stable atmosphere in the country which is a need of the times. To achieve this end, the Police have to be trained and motivated to be more efficient, more readily accessible, more mobile and more familiar with people and places. The police should mix with the community and function as the provider of services to public.

#### *Strict adherence to Recruitment Scheme*

A disadvantage is likely to arise when there is devolution, in that recruitment into the Police Service may go by preference and patronage and not according to objective and impartial criteria. Therefore it is very necessary to ensure that there is a strict adherence to the recruitment scheme. Announcement by advertisement in Newspapers and Government Gazettes, should be made and recruitment ought to be done regardless of considerations of any political affiliation or connection to influential people. Fortunately, the present scheme of recruitment which could be adopted under the new scheme has provisions

that leave no room for recruitment on any other basis other than suitability and aptitude. It is nevertheless, important to emphasize that responsible and superior authorities should, in the instance of creating a good working relationship between the community and the Police, avoid any pressure to depart from principles and practices. Examinations objectively conducted and association of people from outside the services in conducting examinations and interviews help in maintaining impartiality in recruitment.

#### *Uniform standards in all Regions*

Another likely temptation to arise with the Police Service being devolved from the Centre to regional Levels is to try and have their own individual standards in relation to the services. Avoidance of different standards of recruitment and training for those selected into the National Police as well as the Regional Police Services is very imperative. Initially, co-operation is vital between the Services controlled by the Centre and the Regions and should be nurtured carefully and not allowed to rupture. Co-operation and understanding will be essential because once devolution takes place, there can be a tendency to differ and not be uniform.

#### *Limits of Authority*

It is also necessary that the Regional Police Services know the limits of their authority and not tend to act overly independently or freely without restraint. Autonomy is different and needs to be availed of within the prescribed parameters and calls for greater vigilance to ensure that opinions are not arbitrary.

#### *Allocation of Cadres and other facilities*

Another factor to be worked out at the beginning, and needs review from time to time, will be clear and agreed criteria on

which National and Regional Police cadres have to be based. Everyone tends to ask for more but a uniform and reasonable criteria should be identified not only for the allocation of personnel, building, equipment and arms but also importantly for the disbursement of welfare and other facilities. Economy and efficiency should be the concern rather than pressure, influence or "empire building".

#### *Women Police Cadre*

The draft proposals on devolution of law and order functions have unfortunately omitted the Women Police Cadres from the proposed rank structure in the National as well as Regional Police Services. There are over 1,200 women Police cadres including a Women Superintendent of Police in the present Police Service. Need for more women cadres has been felt in all fields of police work. Therefore, the National as well as Regional Police Services should also have at least 10 to 15 percent of the total cadres comprised of women police officers.

Further, at present recruitment of women to the police is done at only one level, the level of Women Police Constables. In the Police Reserve Service, the recruitment of direct Women Sub-Inspectors is also being done. This is not only unfair but also partisan in present Police management. In countries such as the United Kingdom, United States of America and even in India, women have been recruited at all three levels and are now holding ranks of Police Commissioners, Deputy Inspector General, and Superintendents of Police.

Women have proved that they are equal in all respects to perform police duties as their male counterparts. Therefore, it is very necessary that women are recruited to both the National Police as well as the Regional Police Services at all three levels, as Women Constables, Women Sub-Inspectors and Women Assistant Superintendents of Police. The cadre of women in each rank should be worked out according to the requirements of respective Police Services.

### Uniformity in Training

The training of Police recruits, particularly with more authority and responsibility being vested at Regional levels, is cardinal. A new framework of training should be extended to all Regions and meet all Police concerns. Nevertheless, uniformity in training should not preclude the need to provide peculiar and special training which is necessary in some provinces, as for instance, the need to combat smuggling and crimes in the regions bordering seas will naturally call for a different orientation than the one necessary to deal with law breaking and disorder in the central hilly terrain. Terrorism in certain areas and white collar crimes in the city or tourist related offences, also necessitate special and unique types of training.

### Proficiency in Languages

With the Division in the Regional Police Units one has to emphasise the requirement that Police Personnel need to conform to provisions in regard to proficiency in languages. All police personnel, particularly at levels where they interact with the public, should be ideally conversant with Sinhala and Tamil while a fairly good working knowledge of English cannot be ignored, particularly if they are looking forward to an improvement of their effective performances of duties. Sinhala and Tamil are necessary to converse, inquire, investigate and record statements while English is necessary to read, study law, and improve their knowledge in Police methods and practices. However, with tourism and international business being promoted, it may be necessary for at least a few police personnel to acquire even a limited knowledge of foreign languages in addition to a good knowledge of English.

### Uniform Standards and award of Scholarships

It has already been stressed that across Regions there should be uniform standards and resources for training. Certain common

requirements and procedures in regard to selection, promotions, awards of scholarships and training facilities are necessary and should be followed to inspire confidence. Scholarship and training facilities, locally and abroad, should be provided on a proportionate yet equitable basis.

### Crime Research Institute

A Crime Research Institute is necessary in the Centre with representatives from the Police, Judiciary, Prisons, Probation, Narcotics and National Universities on its staff. This institute could conduct research projects on crime, conduct courses leading to a diploma or degree in criminology or criminal science and convene conferences, seminars and workshops for officers attached to the relevant Institutions, and other Government and Non-governmental Organizations interested in crime and prevention. Police Officers from both the National as well as the Regional Police Services can be sent to this Institute for them to get qualified academically and thereby enhance their knowledge on crime and the criminal justice system. This will also afford an opportunity for officers from different Departments and Regional Administrations to meet and exchange their knowledge and experience on crime, the criminal justice system and allied matters.

### Information Technology

Regarding Information Technology in the Police Service, only some of the Functional Divisions located in Colombo have been computerized at present. Police Stations and the work performed by the stations need to be computerised. The National as well as the Regional Police Services should computerize the work done at Police Stations and thereafter connect the Stations with district officers, divisional offices and the Commissioner's Headquarters by means of the area network system. This operation had to be planned out on a long term basis. In the meantime, Information

Technology qualified graduates should be recruited to the service in the rank of Assistant Superintendent of Police to work both in the National as well as the Regional Police Services.

### *Research & Planning*

At present, research is done by the Research & Planning Division on a selective basis, relating to ad hoc issues and does not demonstrate an integrated and a well co-ordinated research programme to make the police service typically professional as it is done in other countries. The preparation of rolling 'co-ordinate plans', each spanning a period of time and which address all aspects of police work, including elements for Human Resources development, acquisition of new skills, and adoption of new tools and technological innovations for speedier and more effective performance, new techniques and methodologies have to be undertaken by the Research & Planning Division at the National as well as Regional services. Structural changes that are considered necessary for better police administration should also be first researched by these Divisions.

### *Police Reserve*

The Police Reserve at present has a strength of over 30,000 of all ranks including women cadres. Police officers from the reserve perform the same duties that are performed by regulars but they are treated as "Inferior" to the regulars by calling them as "Reservists". They also do not enjoy certain facilities enjoyed by the regulars such as pension rights, permanency etc. This has resulted in the Reservists being discontented and unhappy whilst performing their functions and duties. This discriminatory label and treatment need to be done away with if police officers are expected to work whole- heartedly and satisfactorily.

The Reservists Service was established to have trained Police Officers to be kept in "Reserve" whenever a necessity arose

in the country. These 'reserve' cadres were usually people who were working in Government Departments and Private Organizations and were called up for duty or "mobilized" whenever their assistance was necessary. Later on, due to the insurgency and other problems, the reservists have been mobilized on a permanent basis. This is a 'misnomer', and as mentioned earlier it has created much dissatisfaction among the rank and file of the "Reservist" service. Most of them are recruited young. They have joined the Police as permanent employees and opt to continue to work in the Police. Therefore, "Reservists" should be recruited or absorbed into either the National or Regional Police Services. Then a sense of invidious discrimination will disappear. And if they are asked to do the same duties as the regular police, they should be treated as equals which is a fundamental right.

It is also necessary to establish a new 'reservists service' or preferably volunteer service on the old lines, so that trained personnel employed elsewhere would be available to be 'mobilised' for short periods, whenever necessary. The personnel to this new reservist service which will be under the National Police Commissioner and the Centre, could be recruited from all over the country and posted to any region after mobilization whenever occasion demands.

### *Police Kennels and Mounted Division*

Police Kennels and the Mounted Police will have to continue to be kept with the Centre under the National Police Commissioner. Later on, if economy permits and population increases, Police Kennels and Mounted Police units may be set up at least in two or three other centres for the use of the Regional Police Services. This should be seriously considered particularly because horses and dogs can be trained and used with advantage in police work.

## Transport and communication

Transport and Communication are very important support services for the efficient performance of the duties of the Police Service. If Regional Police Services are to function effectively, it is necessary that transport and radio communication matters are directly handled by the Regional Police Commissioners. The requirement of transport and communication equipment can be identified by the Regional Police Commissioners and they can obtain their needs from funds provided by Regional Councils.

It is necessary that Police Garages are established in each Regional Police Unit at the Regional Headquarters Station to attend to major, minor and running repairs to Police vehicles. At present, the main garage is situated in Colombo with two small garages at Kandy and Anuradhapura. The establishment of a garage in each regional Police Headquarters Station, will be cost effective and convenient, as Police vehicles from Regional Police Services need not be sent to Colombo for repairs. Staff for these Regional Police Garages could be recruited by the Regional Police Services as is done at present to the Police Garage. Each Regional Police Service could recruit mechanical hands in different cadres for this purpose. The present Police Garage at Narahenpita could be the :Police Garage for the National :Police Service.

A Communication Centre under a Director is functioning at the moment at Mirihana to handle all radio communication matters. There are uniformed officers as well as civilian radio technicians working in this Centre. This Centre could continue to have radio links with the Regional Police Headquarters and Police Stations in the Island and inform the Centre of all crimes and other serious incidents that take place in the Island by circulating a ":Daily Situation Report". This could be handled by the Centre so that the president, Prime Minister, Secretary, Ministry of Defence and the National Police Commissioner and Deputy Police Commissioners will be kept informed of the daily situation in the country. Copies also could be sent to the Chief Minister and to the respective Regional Police Commissioners for their information and for the objective of taking preventive

action against crime and violence, to be accomplished without delay.

At the same time, Regional Communication Centres could also be established at each Region with Police Officers and radio technicians. They will attend to installations, repairs of equipment etc. at the Regional level. Both Transport and Communication Centres could be at one location under the charge of a Senior Gazetted Officer of the rank of an Assistant Superintendent of Police.

## Regional Investigation Division

The present Criminal Investigation Department will remain with the National Police Service. The Criminal Investigation Department will investigate into matters referred to in the Capital Territory in the cities of Colombo and Sri Jayawardenepura-Kotte and also into matters in the Regions when referred to the National Police Commissioner pertaining to offences listed in section 25:4 of the draft provisions of the Constitution, offences such as against the State, threats to National Security, offences relating to elections, Inter Regional crimes and International Crimes. This Division will also investigate into other special crimes when requested to do so by the Chief Minister of a Region.

A Criminal Investigation Unit can be established in each Regional Police Service under the Regional Police Commissioner to handle all organized crimes, and politically motivated offences as well as urban white collar crimes in the region.

## Intelligence Bureau

The present Intelligence Division will have to be brought directly under the National :Police Commissioner. Regional Intelligence Bureaus could be established in each Regional Police Service to collect and collate intelligence in the region. The regional Police Commissioner may pass any intelligence that may be of national importance or significance to the National Police Commissioner,

for him to take necessary action in consultation with the Minister of Defence. Intelligence pertaining to matters affecting the respective Regions could be handled by the Regional Police Commissioner himself, in consultation with the Chief Minister of that Region.

### *Special Investigation Unit*

A Unit should be established at the Regional Police Headquarters under the Police Commissioner and the Deputy Police Commissioner, Functional Command, headed by a Senior Superintendent of Police to conduct investigations, whenever a complaint of serious nature has been made to the Police Commissioner. This Unit will also monitor all complaints made in the Region which are investigated by Police Officers in various Districts. This will be called a 'Special Investigation Unit' and members of the Unit will be handpicked and specially trained.

There is a strong opinion, which to an extent is true, that some Police Officers exert their authority and commit crime and also harass members of the public for personal gains. The proposed machinery will act as a preventive measure against such conduct as well as a structural organ to investigate properly and expeditiously into complaints against the police.

### *Police and Mediation*

Mediation is being practiced on an increasing scale by police officers as a preventive measure to avoid simple issues from escalating into serious crime. However, success in applying mediatory procedures in settling disputes by the police would rest on the confidence the public would have in the local police of their area. The success of the police in mediation would also be dependent on the special skill of the individual police officer. His training and individual skill and an understanding to tackle problems between citizens is an essential requirement to gain success in a mediatory role. Therefore the Regional Police

Services should train selected police officers in the art of mediation and post them to Police Stations. These police officers should be assigned tasks other than law enforcement to avoid any conflict in their duties.

### *National and Regional Police Services to be under different Ministries*

The National Police Service, as discussed earlier, will continue to be under the Defence Ministry and the President. However, the Regional Police Services which are directly under the Regional Council may come under some other Ministry in the Centre. This will be a drastic change from the present setup where the whole Department including Deputy Inspectors General of Police working in territorial Ranges are under the Defence Ministry. Regional Police Officers will have nothing to do with the Defence Ministry or the Secretary of the Ministry of Defence as it is at present. Sri Lanka is, probably the only country where the Police Service is brought under the Ministry of Defence. In almost all countries - such as India, the United States of America and England, the Police Forces are under the Home Ministry. In Sri Lanka too the National Police Service also could function under the Home Ministry so that all police functions will come under one Ministry.

### *A Period of Time and Error*

After the implementation of devolution of law and order, all aspects of the work done by law enforcement officers should be monitored closely, by a body appointed by the Constitutional Council for the entire country. Any error detected should be immediately corrected. This body also could liaise with National as well as Regional Police Commissions and ensure that devolution of law and order works well.

In conclusion it could be stated that devolution of law and order could prove successful if handled properly from the start. It will enable law and order enforcement throughout the Island to become more sensitive to peculiar and specific conditions in different areas and policing can prove to be more effective and efficient. It is also a politically prudent and necessary exercise. Furthermore, it will provide for the police to grow familiar with particular regions, cultivate an acquaintance with people there, and harness the co-operation of citizens in ensuring the maintenance and preservation of law and order in a palatable manner.







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