



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 4784/2019

Prem Prakash Bidyasar S/o Shri Gyanendra Singh

----Petitioner

Versus

State of Rajasthan

----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 4672/2020

Prabha Yadav W/o Sh. Laxmi Chand Yadav

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s) : Mr.Jaswant Singh for
Mr.Harendra Singh

For Respondent(s) : Mr.Rajesh Choudhary, GA-cum-AAG
assisted by
Mr.J.S. Rathore, Add.GA.
Mr.Gaurav Gupta, Asst.GA.
Mr.Vinod Kumar Sharma &
Mr.Anirudh Singh

Mr.V.K. Singh, ADG (Law & Order)
Mr.Vikas Sharma, DIG (Law & Order)
Mr.Vipin Pandey, ADG (Crime)
(through Video Conferencing)

Mr.Harendra Mahawar, IPS (IGP PHQ)
Mr.Shiv Lal Bairwa, Addl. SP, Dudu
Mr.Puran Mal, CI (PS Pratap Nagar)
Mr.Vinod Kumar, Addl. SP, Lalsot
Mr.Madan Lal, S.I. (PS Ramgarh
Pachwara)
Mr.Mukesh Kharadiya, SHO, Dudu

JUSTICE ANOOP KUMAR DHAND

Order

21/05/2026

Reportable



1. On the last occasion, when the case was listed before this Court on 27.04.2026, the following order was passed:-

"1. *** *** ***

2. *** *** ***

3. This Court has noticed and felt on various occasions that the investigation of several criminal cases could not be completed expeditiously and the same have remained pending for a considerably long time because in many cases, the same Investigating Officer, who has been assigned the task to investigate the matter has also been assigned other duties of maintaining law and order in the concerned area. Under these circumstances, it becomes very difficult for such Investigating Officers to discharge both the duties simultaneously.

4. For separation of investigation work from law and order, even the Law Commission of India in its 154th Report has recommended such separation to ensure speedier investigation, better expertise and improved rapport with the people without, of course, any watertight compartmentalisation in view of both functions being closely interrelated at the ground level.

5. In discharge of its constitutional duties, this Court deems it just and proper to observe that certain directions are required to be issued to the State Government for separation of two wings, i.e., one wing for investigation and the other wing for maintaining the law and order, so that no delay occurs in conducting the investigation and arriving at its conclusion.

6. The Investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people. There should be full co-ordination





Governments to bring appropriate legislation by way of bringing new Police Act for separation of investigation work from law and order. Even the Hon'ble Apex Court, after studying various committee reports on police reforms has laid down certain directions in the nature of police reforms to be operative until the new Police Act is to be framed. It is necessary to quote the following excerpt from the judgment:

"It is not possible or proper to leave this matter only with an expression of this hope and to await developments further. It is essential to lay down guidelines to be operative till the new legislation is enacted by the State Governments. Article 32 read with Article 142 of the Constitution empowers this Court to issue such directions, as may be necessary for doing complete justice in any cause or matter. All authorities are mandated by Article 144 to act in aid of the orders passed by this Court....In the discharge of our constitutional duties and obligations having regard to the aforementioned position, we issue the following directions to the Central Government, State Governments and Union Territories for compliance till framing of the appropriate legislations."

11. Taking a serious note of the above situation, this Court has issued certain directions to the Chief Secretary; Principal Secretary, Department of Home Affairs; and Director General of Police, Rajasthan, Jaipur in the case of **Jitendra Meena Vs. State of Rajasthan and Anr.** while deciding the S.B. Criminal Misc. Petition No.7231/2025 in para 31, 32, 33 and 37 which reads as under:-

"31. Until the new Police Act is framed by the Central Government or by the State of Rajasthan, in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Prakash Singh** (supra) and in pursuance of the letter dated 27.04.2022 issued by the Ministry of Home Affairs, Government of India, this Court deems it just and proper to direct the State Heads of





various Departments, i.e., the Chief Secretary, the Principal Secretary, Department of Home Affairs, the Director General of Police, Government of Rajasthan to form appropriate policy for separation of police investigation wings from the Police and create a separate wing for maintaining law and order.

32. Therefore, this Court deems it just and proper to issue directions to the Chief Secretary, Government of Rajasthan; and the Additional Chief Secretary, Department of Home, Government of Rajasthan, Director General of Police to draft a policy for separation of powers of police by constituting two different wings, i.e., one for maintaining law and order and another for investigating the case registered with the concerned Police Station until a legislation is introduced in this regard.

33. This Court hopes & trusts that appropriate legislation would be introduced by the State Government, in terms of the observations issued by the Hon'ble Apex Court in the case of **Prakash Singh** (supra).

34 to 36 xx xx xx xx xx xx xx xx

37. Let a copy of this order be sent to the Chief Secretary, Government of Rajasthan; the Additional Chief Secretary, Department of Home, Government of Rajasthan; the Director General of Police, the Commissioner of Police, the Additional Commissioner of Police (East), Jaipur and the Station House Officer, Police Station Pratap Nagar (East), Jaipur for necessary compliance of this order.

12. In the interest of better administration of investigation and maintaining Law and Order, the officials named in the para No. 11 of this order are directed to apprise this Court regarding the steps so far taken by the concerned Police Officials for expeditious investigation of the pending cases and establishment of two separate wings i.e, one for investigation; and another for maintaining law and order in the State of Rajasthan, in the light of the order dated 16.03.2026 passed by this Court in the case of **Jitendra Meena** (Supra).





13. The Director General of Police (Law and Order) is further directed and permitted to join the Court proceeding through Video Conferencing on the next date of hearing.”



2. Pursuant to the aforesaid order dated 27.04.2026, passed by this Court, Mr.V.K. Singh, ADG (Law & Order); Mr.Vikash Sharma, DIG (Law & Order); and Mr.Vipin Pandey, ADG (Crime) have put in appearance through video conferencing and Mr.Harendra Mahawar, IGP-PHQ; Mr.Shiv Lal Bairwa, Addl. SP, Dudu; Mr.Puran Mal, CI, PS Pratap Nagar; Mr.Vinod Kumar, Addl. SP, Lalsot; Mr.Madan Lal, SI, PS Ramgarh, Pachwara; and Mr.Mukesh Kharadiya, SHO, Dudu have also put in appearance physically before this Court.

3. Mr. V.K. Singh, ADG (Law & Order) submits that in pursuance of the previous order dated 27.04.2026 passed by this Court, a committee was constituted by the Director General of Police, Rajasthan for compliance of the orders/directions issued by this Court. He submits that after getting the reports from four reference States i.e. Kerala, Punjab, Delhi and Bihar, recommendations have been made by the Committee to organise each Police Station into three functional units, i.e., (i) Law & Order Unit, (ii) Investigation Unit and (iii) Administrative Unit, and for that purpose, 20 Police Stations have been identified for the proposed pilot project.

4. The recommendation report of the Committee in the form of “Proposal For Separation Of Functions Of Investigation And Law And Order At Police Station Level” has been prepared by the Police Headquarters, Rajasthan, which contains Eleven Chapters and Three Annexures. It is relevant to reproduce the Table of Contents



of Chapters I, II, III, IV, V, VI, VII, VIII, IX, X of the proposal, which read as follows:

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5. Chapters I & II of the aforesaid Proposal submitted by the Police Headquarter, deals with the issue raised by this Court with regards to the establishment of two separate wings, i.e., one for Investigation and another for maintaining Law & Order in the State of Rajasthan. For ready reference, the contents of Chapter I & II are reproduced herein below:-

CHAPTER I

BACKGROUND AND MANDATE

The increasing complexity of crime, coupled with rising public expectations for professional policing, necessitates structural reforms in police functioning. One of the key reforms recommended by various expert bodies, including the National Police Commission, and reaffirmed by the Hon'ble Supreme Court of India in the judgement in the Prakash Singh vs





Union of India, is the separation of investigation and law and order duties at the Police Station level.

On 27.04.2026, the Hon'ble High Court of Rajasthan, directed the State of Rajasthan to assess the formalities required for the separation of the function of investigation of crime from Law and Order maintenance function, and submit a report before the Hon'ble High Court.

In pursuance of the directions of the Hon'ble High Court of Rajasthan, a Committee was constituted by DGP, Rajasthan, to examine the feasibility for the same, and to suggest a framework and implementation strategy for such separation.

Indian Police Stations operate on an undifferentiated model in which the same set of officers register FIRs, supervise beat patrolling, manage communal incidents, perform VIP security duties, control religious processions, and also acts as Investigating Officers responsible for evidence collection, witness examination, and filing of and charge-sheets and Final Closure Reports within statutory timelines. The Investigation function, which is intellectually demanding and is time-bound, is consistently subordinated to Law and Order duties, due to its emergent nature and huge public visibility. The result is poor quality of investigation, low conviction rates, and persistent pendency of cases under investigation.

Successive expert bodies, the National Police Commission (1977-81), the Padmanabhaiah Committee (2000), the Malimath Committee (2003), the Law Commission of India (1996), and the Hon'ble Supreme Court in its judgement pronounced in Prakash Singh vs UOI (2006), have unanimously recommended separation of the functions of maintenance of Law and Order and investigations of criminal cases. However,





the recommendations are still to fully see the light of the day, across the States of the Union. Implementation has only been partial, and also uneven, across States.

The Committee examined the directives issued regarding the implementation of the separation of functions in four reference States- Kerala, Bihar, Delhi and Punjab, and also studied the actual status of implementation on the ground in the Outer North District of Delhi, where the recommendations were made operational initially on a pilot basis, and there after extended to the entire district.

The most consistent failure seen was the silent diversion of the Investigation Wing personnel for routine Law and Order duties -bandobast, escort duties, examination centres security, election work etc., which hollowed out the whole idea of separation. The Delhi pilot, by contrast, demonstrates what is achievable when the separation is sustained: improved follow-up of investigation, better disposal of pending cases, and increased police visibility in the community.

CHAPTER II

DIAGNOSIS OF THE EXISTING PROBLEM

- Law-and-order work is time-critical, visibility heavy, and often volatile (crowds, protests, violence, VVIP visits). It requires rapid decision making, and physical presence with immediate response. Investigation requires continuity, documentation discipline, evidence handling, witness follow-up, and methodical progression from the scene of Crime to the Court of Law.
- Law and Order maintenance requires crowd psychology management, physical endurance, rapid response, engagement/persuasion skills, and liaisoning with local





pressure groups. Modern investigation requires forensic literacy, use of digital apps like e-Sakshya, digital evidence tracking, legal acumen, and patience. A single officer rarely excels at both simultaneously. Poor quality of investigation, caused by time constraints and lack of specialization, directly correlates with low conviction rates.

- When the same Police Officer handles both functions, and if investigation fails in court, or if pendency of investigation is high, he always throws the burden on "Law and Order duties".
- Conviction rates in heinous offences in Rajasthan have remained between 40% and 50%, particularly in cases of crimes against women, and in property offences.
- Pendency of investigation in economic offences cases, of cyber-crime, and of cases under NDPS Act, often exceed two years.
- In high-load urban Police Stations, individual IOs carry between 40 and 70 active cases at any point of time, well above the Padmanabhaiah Committee benchmark.
- BPRD time-and-motion analysis indicate that investigation occupies only 15% to 25% of the schedule of a Police officer.
- Separation orders have been breached constantly. Investigation Wing personnel have been routinely diverted to bandobast, escort and VVIP duties, with no consequence.
- Where separation has been attempted without coherent staffing, it has produced shortage on the law and order side, met by quietly drawing on the Investigation Wing, defeating the reform.
- Investigation has been treated as a less prestigious posting, with Law and Order seen as the path to prized postings.





- Modern crime cannot be investigated by a generalist Sub-Inspector working alone.

The Indian Police Station have functioned in an undifferentiated mode for over a century. Cultural change requires sustained leadership attention, training, and visible enforcement; not merely an order. Separation of the functions of Law and Order maintenance, and criminal investigation, requires additional police strength – this is the consistent finding across the Padmanabhaiah Committee recommendations, the Bureau of Police Research and Development studies, and field observations from the States of Punjab, Bihar, and Delhi. The existing available strength is already substantially absorbed in Law and Order duties; hence creating a dedicated Investigation Unit alongside an undisturbed Law and Order Unit cannot be done without augmenting manpower. Police forces, including in the State of Rajasthan, currently have 20% to 30% vacancies against the sanctioned strength. Hence the manpower environment is structurally constrained from the start. This is the principal reason that full separation has not yet been realised, despite two decades of court directions and recommendations of expert Committees. The Hon'ble Supreme Court in the case of Prakash Singh vs UOI has itself acknowledged manpower shortage as the major challenge towards the path of separation of functions, and had directed that separation should begin in cities with population over one million.”

6. Accordingly, the Committee was constituted and it has made the following recommendations to the Additional Chief Secretary, Department of Home for taking appropriate action, in Chapter XI of the aforesaid Proposal:-

“CHAPTER XI
RECOMMENDATIONS OF THE COMMITTEE





Based on the foregoing analysis, the Committee makes the following recommendations:

ARCHITECTURE AND STAFFING:

- 1. Apply the Three-Unit Model to pilot Police Stations** selected through the filtering protocol set out in this Report, with staffing scaled to their Investigative Workload (IWL). Each pilot station shall be organised into three functional units (Investigation, Law and Order, Administration) under a single SHO. Subject to evaluation of pilot outcomes, the model may be extended in subsequent phases to other Police Stations across the State.
- 2. Adopt the differentiated workload-driven staffing benchmarks** of 40 to 60 cases per IO per year. Approximately 40% of total Police Station strength is to be dedicated to the Investigation Unit.
- 3. Constitute the Investigation Unit, Law and Order Unit and formalise the Administrative Unit** as the third unit at every covered Police Station.
- 4. Designate Police Inspectors as Unit heads for Investigation and Law and Order Units** each heading their respective Unit under the SHO. The Administrative Unit is to be headed by a senior HC/ASI. Eligibility and tenure rules for these positions to be notified.
- 5. Adopt the Bihar eligibility framework for SHO posting** of two years of experience, each in the Investigation and the Law and Order units separately.
- 6. Mandate Law and Order tenure for fresh recruits and promotees**, which tenure shall be a positive consideration in further promotions and postings.
- 7. Notify a long-term posting policy** for Investigation Unit officers, with a minimum of two years.

OPERATIONAL DISCIPLINE AND SAFEGUARDS:

- 1. Apply the hard wall against diversion** – Investigation Unit personnel may not be deployed for routine Law and Order duties. Cross-deployment may be permitted only in the four defined situations. (riots, VVIP duties, encounters with criminals, natural and man-made disasters).
- 2. Adopt the Inter-station Mutual Support Protocol** – Surge support should be drawn first from neighbouring Law and Order Units, then from Police Lines/RAC Battalions, and





only as the last resort from the affected Police Station's Investigation Unit, and that too with the written approval of the District SP/CP.

- 3. Configure CCTNS** to enforce unit-tag locking; prevent cross-assignment of IOs through the user interface; and to generate a real-time compliance dashboard at District and Range level.
- 4. Provide differentiated resources to each Unit** like tablets, laptops with CDR/IPDR/social media analytics, MOB Unit access, operational funds, training in Nyay Samhita, FSL coordination, separate seating, computer-proficient staffing, weapons access, vehicles, latest wireless equipment, periodic tactical tests, and technological support for interception.
- 5. Acknowledge and address the manpower gap** by recognising that the full implementation requires approximately 60% to 100% additional police strength against current sanctioned levels, to be addressed by the fresh sanction of approximately 935 posts across the twenty pilot Police Stations, by the reabsorption of 107 surplus ASIs elsewhere within the respective districts, and by the engagement of cyber, forensic and financial-crime specialists at the district pool level on contract.
- 6. Institute a dedicated training pipeline** at Training Centres, with segregated tracks for Investigation Unit personnel (forensic literacy, digital evidence handling, e-Sakshya, CCTNS proficiency, BNSS / BNS procedural mastery, cyber and financial-crime investigation, court-craft) and for Law and Order Unit personnel (crowd management, tactical operations, fitness and weapons training, community engagement, intelligence collection, social-media monitoring), supplemented by mandatory refresher modules at defined intervals, and by joint cross-Unit modules in topics requiring coordination (communal sensitivity, women safety, victim handling). Training completion is to be recorded in CCTNS and linked to APAR and posting eligibility.

Hire specialist experts on contract at district pool level

- Legal experts (for charge-sheet vetting, court strategy), IT and digital-forensic experts (for device, phone and data extraction; cyber trail analysis), financial-investigation experts (bank trails, attachment proposals under Section 107 BNSS), and Scene of Crime Forensic experts, thereby, capturing the operational benefit of the Punjab Specialised Support Service model.





The Committee has proposed a dynamic model with several variables in the pilot project of 20 Police Stations. Since it is a new model, there shall always be an element which cannot be quantified, or changes may have to be incorporated as the model becomes operational. The proposed State Implementation Committee shall monitor, regulate, and modify requirements and manpower as and when required.

The Committee respectfully submits that the proposed model – drawing on the strongest features of four reference States, validated by field evidence of six months from the Delhi Outer North District pilot, and refined by the operational insights of serving District SPs in Rajasthan, calibrated for Rajasthan's policing geography, and equipped with three structural safeguards not present in any of the reference States – represents a workable, fiscally sustainable and durable response to the directions of the Hon'ble Rajasthan High Court and the long-standing mandate of the Hon'ble Supreme Court of India in *Prakash Singh vs UOI*."

7. Several recommendations have been made in the above-extracted Chapter XI of the Committee Report/Proposal, including providing of manpower, infrastructure & training to all the stakeholders. For that purpose, the cadre strength of the Police is also required to be increased by way of fresh recruitment and filling up of the posts already advertised at the earliest.

8. For expeditious disposal of the cases pending for more than 5 years, several directions have been issued to all the stakeholders for expeditious investigation of the pending matters by submitting the compliance report formed by the Additional Superintendent of Police, CID (CB), Jaipur and OIC of the instant case. The same is ordered to be taken on record.





9. The aforesaid steps taken by the Police Headquarters deserve commendation and this Court places on record its appreciation for the same.

10. In the considered opinion of this Court, when the entire system and society are moving at a fast and rapid pace in the current era and criminals are also adopting latest and advanced techniques to commit offences, then under such circumstances, the investigation mechanism of the Police is also required to be strengthened with modern and well-equipped Investigation Labs, etc. having adequate scientific facilities. Investigation Labs are not available in the State of Rajasthan and therefore, the State Police Department is compelled to conduct its investigation based on the reports and analysis carried out by the Investigation Labs situated in other States, which causes unnecessary delay in the investigation and the culprits often desire benefits of such delay. Looking to the increase in the rate of crimes, the existing FSL in State is not sufficient. The time has now come to strengthen and expand the increase the cadre strength of the investigators/staff, etc. so that the FSL reports can be received at the earliest and the conclusion report of investigation can be submitted before the Court expeditiously and in a time bound manner.

In the considered opinion of this Court, now the time has come to modulate and strengthen the Police Investigation wings from all the corners. Latest Investigating Labs are required to be established in the State of Rajasthan expeditiously having adequate infrastructure and trained stakeholders, so that the investigation can be done expeditiously and brought to its logical end at the earliest. The State is under constitutional obligation to





provide adequate infrastructure for fair and speedy investigation as the delay in investigation, due to lack of adequate infrastructure for investigation, violates the right of fair investigation and speedy trial.

11. Let a copy of this order be sent to the Chief Secretary; Additional Chief Secretary, Department of Home, Government of Rajasthan; and Director General of Police to look into the matter from all corners to develop and establish appropriate and well-equipped labs, for investigation, in the State of Rajasthan in the interest of public at large.

12. A part compliance report dated 20.05.2026 is ordered to be retained on the record.

In S.B. Criminal Miscellaneous (Petition) No. 4672/2020

1. Petitioner as well as the concerned Investigating Office are directed to file their affidavits as to whether the interim order dated 19.11.2020 passed by this Court was apprised to the Investigating Office or not?

2. List these cases on 21.07.2026 at 02:00 PM. The Higher Police Officials are directed to appear through VC and apprise this Court about the progressive steps taken by the Police Headquarters and Department of Home, Government of Rajasthan.

(ANOOP KUMAR DHAND),J

Aayush Sharma/27 & 30