

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 16TH DAY OF SEPTEMBER 2021 / 25TH BHADRA, 1943

WP(C) NO. 21321 OF 2018

PETITIONER/S:

P.D.JOSEPH
AGED 60 YEARS
S/O.DEVASSY, PANENGADAN HOUSE, THRISSUR-680581,
(EDITOR, CEASOR NEWS, TIRUR, THRISSUR)
BY ADV P.D.JOSEPH (PARTY IN PERSON)

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, HOME
DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR GENERAL OF POLICE
STATE OF KERALA, POLICE HEADQUARTERS,
THIRUVANANTHAPURAM-695001.
- 3 THE PRESIDENT
CAMP FOLLOWERS ASSOCIATION, THIRUVANANTHAPURAM-695001.
BY ADV GOVERNMENT PLEADER

OTHER PRESENT:

SRI. TEK CHAND, SR GP FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

S. Manikumar, C. J.

Petitioner has sought for the following reliefs:-

“i) To issue a writ of mandamus or other appropriate writ or order directing the 2nd respondent to submit complete details of Camp Followers engaged in the State forthwith or within such time as this Hon'ble Court may deem just and proper in the interest of justice;

ii) To issue a writ of mandamus or other appropriate writ or order appointing an Advocate Commissioner and direct him to ascertain and report on the brutal attack on the camp follower/driver namely Gavaskar by the daughter of the ADGP Sudheesh Kumar;

iii) To issue a writ of mandamus or other appropriate writ or order appointing a sitting Judge of the Thiruvananthapuram District & Principal Sessions Court, to enquire into the matter of misuse of obsolete Government vehicles and unauthorized exploitation of services of camp followers for domestic work of the superior officers and to submit a report before this Hon'ble Court within such time as this Hon'ble Court may deem fit and proper in the interest of justice;

iv) To issue a writ of mandamus or other appropriate writ or order directing respondents 1 and 2 submit the amount spent so far for appointment of temporary camp followers in the State.”

2. Short facts leading to the writ petition are as hereunder:-

According to the petitioner, he has filed the instant writ petition seeking interference of this Court in the matter of atrocities and human right violations meted out to the camp followers, who are engaged as cook, dhobi, menials etc. in the armed police battalions, for domestic work of senior officers.

Petitioner has contended that the camp followers silently tolerate such atrocities and human right violations, due to fear of termination from service. Petitioner has further contended that it is high time to investigate into such illegal activities adopted in the police department, to prevent the violation of fundamental rights and miscarriage of justice.

3. Assistant Inspector General of Police (PG), Police Headquarters, Thiruvananthapuram, has filed a detailed counter affidavit, setting out the steps taken as regards the functioning of the camp followers, and has also set out the statutory provisions and

recruitment of camp followers, across the State.

4. On the allegation of an alleged assault by daughter of an IPS Officer, it is also stated that two cases have been registered and both are being investigated by the Crime Branch (CBCID).

5. Relevant paragraphs of the counter affidavit are extracted as hereunder:-

“5. i. The Camp Followers are employees of State Government working in Police Department for supporting the active police functions and helping the upkeep of the police force which include the post of Cook, Sweeper, Barber, Dhobi etc. Whenever vacancy arises in their rank, daily wage workers are taken on temporary basis as per the norms in the Government, till filling up of those vacancies as stipulated under the rules. The appointments of the regular Camp Followers so far were being done through the employment exchanges; the appointing authority of the Camp Followers being the concerned unit heads. However, a decision has been taken by the Government to appoint the Camp Followers through Kerala Public Service Commission, for which the necessary rules are under preparation.

ii. The drivers in Police department are not Camp Followers as wrongly suggested by the petitioner herein. They are included in the technical category and have a separate mode of intake and employment.

iii. There are 1231 number of Camp Followers working in the category of Cook, Dhobi, Cook cum Sweeper, Barber, Sweeper-cum sanitary worker and Water carrier. There is no 'Menial' category among Camp Followers as derogatorily stated by the petitioner. As of now, there are 355 numbers of vacancies and due to the administrative exigencies, daily wage workers are at times employed to supplement the services required in the camps.

iv. It is submitted that no such complaint as detailed by the petitioner has been received from any particular Camp Follower alleging that he/she is being enslaved or ill-treated in any manner. The allegation of slavery raised by the writ petitioner is totally baseless, mischievous and an attempt to demoralize a force with an apparent motive to cause dissention. It also appears to be an attempt to incite disaffection among the Police force. All the issues and grievances of the force including that of the Camp Followers are dealt by the unit heads and if the same are not redressed, then by the superior formation viz Inspector General of Police / Additional Director General of Police/ Police Headquarters.

v. The duty time of Camp Followers normally is not more than eight hours. Whenever the force is deployed in different locations for urgent law and order duty, the service of Camp Followers are also provided.

vi. The Camp Followers are not deployed for domestic work of IPS officers, they are deployed to a few of the Camp Offices at the District, Battalions or Ranges only.

vii. A permanent Camp Follower has all the allowances of Pay, Dearness Allowance (DA), House Rent Allowance (HRA), City Compensatory Allowance (CCA), Day off allowances and Camp Follower Allowance (CFA)/Special allowances. They also get the uniform allowance and are members of Kerala Police Welfare & Amenity fund, a welfare body to look after the Police personnel.

viii. The allowance granted to senior officers is not for domestic help but for officer assistant and the amount varies from 1800/- per month for junior scale officers to the maximum amount of Rs. 6200/- for Chief Secretary and equivalent rank officers.

6. The duty of the Camp Followers is to undertake camp support and house-keeping activities in the Police Camps and Camp Offices. Police camps and field units work 24x7 and do not generally have system of 8 hours duty. All police officers of and above the rank of Sub Inspector of Police are always on duty. Camp Office is many a time, an old building or bungalow that is the property of the State. They have visitors, petitioners, public representatives also visiting even at odd hours of the day including holidays. Of all the strength of 1231 Camp Followers, only 29 are employed at all camp offices of the senior police officers for whole of the State, who are the unit heads of police units at District and Range level. There are 19 Police Districts, 10 Battalions, 4 Ranges, 2 Training institutions and several sub units. Police being a huge organization of more than 61000 Police personnel, the department is duty bound to maintain the public properties under its control. The armed camps where the

armed police forces, police band, trainers, police recruits stay, have to have, cooks to cook, sweepers to sweep, barbers for hair cut and other categories of followers for the varied jobs for which they are recruited. The camp offices of the District Police Chief etc have one odd Camp Follower for the cleanliness and upkeep of the camp offices and cater the basic needs of a visitor to the concerned Superintendent of Police or Inspector General of Police. Not a single Camp Follower among the 29 working in the Camp Offices have made any complaint against superior officers.

7. It is submitted that the allegation of the petitioner herein is that Sri. Gavaskar as a Camp Follower, is blatantly wrong. This only indicates the frivolous nature of the petitioner's concern to the issues which he is raising. Sri. Gavaskar is a Driver Havildar. The drivers who belong to a technical category in Police force are a distinct lot. They are subject to executive rules like Kerala Police Departmental Inquires Punishment Rules and which is applicable for officers of Kerala Police. For Camp Followers, Kerala Civil Service Control Classification and Appeal Rules is applicable, though they are wearing uniform and getting a uniform allowance. The incident of alleged assault by daughter of an IPS officer in the car at public road is being investigated by the Crime Branch (CBCID). Two cases have been registered in this regard and both of them are being investigated by the Crime Branch (CBCID). The other allegations of the petitioner with regard to professionalism of the Kerala Police are baseless, imaginary and mischievous.

8. It is submitted that the alleged petition against Sri. Tomin J Thachankary IPS is seen filed before the Vigilance

Court. The matter has no relevance here and is superfluous to the issue delved into.

9. The Government have decided to undertake the recruitment of Camp Followers through the Kerala Public Service Commission. The Special rules for recruitment and service conditions of Camp Followers are being finalized. The Camp Followers are a very important organ of Kerala Police. Their welfare and well being is an inseparable part of the police department. Every senior officer has always been concerned about the dignity and welfare of Camp Followers under their charge. The categories such as Dhobi, Cook, Sweeper and so on are recruited to do washing, cooking and cleaning for the staff of the Camps and Camp Offices which are Government buildings functioning as offices. To classify such duties as 'Menial' or derogatory is not correct and goes against the principle of dignity of labour. Nevertheless, a dhobi is recruited for washing clothes, he/she is obliged to wash / iron the uniform of police men, recruits and officers. A cook recruited for working in the camp's kitchen is duty bound to cook for the police men in the camps. Similarly it is the task of the Camp Follower to do cleaning work and sweeping of the police camp area. The Camp Followers have been doing their job with due dignity. There is no slavery in doing the work of cleaning, cooking etc. as these are noble professions and the petitioner's thoughts are a result of a mischievous and confused mind.

10. The work load in Police department is across the rank and file and department is duty bound to take the work load and serve the people. There is no empirical truth that work load has

led to suicides. The department has taken steps for stress management and effective work load distribution. As per the direction of the State Government, a man power audit of Kerala police is being undertaken by the Additional Director General of Police, Headquarters. It would be inter alia examining the overall deployment of Kerala police personnel and different aspects of work load.

11. The Government has categorically stated that no criminal behavior by police officers will be protected. The department is following zero tolerance towards police atrocities. The law and order situation in Kerala is considered as the best in the Country. Several studies point out that corruption in Kerala police is lowest in the Country.

12. The State Police Chief has constituted a committee under the chairmanship of Commandant, SAP to study and report on the demands of Camp Followers in the State. The allegation about misuse of vehicles is motivated, frivolous and contrary to the facts.”

6. We place on record the submissions of the Assistant Inspector General of Police (PG), Police Headquarters, Thiruvananthapuram, which are not disputed. In addition to the above, Mr. P. D. Joseph, party-in-person, submitted that he is not pressing the reliefs sought for in the writ petition. Submission of the party-in-person is also placed on record.

We are satisfied with the reasons assigned in the counter affidavit. Placing on record the above submission of the parties, writ petition is dismissed.

Sd/-

S. MANIKUMAR

CHIEF JUSTICE

Sd/-

SHAJI P. CHALY

JUDGE

Eb

//TRUE COPY//

P. A. TO JUDGE

APPENDIX OF WP(C) 21321/2018

PETITIONER EXHIBITS

- EXHIBIT P1** TRUE COPY OF THE STATEMENT OF THE CAMP FOLLOWERS ASSOCIATION
- EXHIBIT P2** TRUE COPY OF THE REPORT IN WEBSITE FIRST POST.COM
- EXHIBIT P3** TRUE COPY OF THE NEWSPAPER REPORT IN INDIAN EXPRESS DATED 23/6/2017.