

No: D6/117080/2011

Police Headquarters,
Kerala, Thiruvananthapuram,
Dated: /03/2012.

Circular No. 04/2012

Sub: Police Interference in Civil Disputes – Instructions – reg.

Ref: (1) PHQ Executive Directive No. 08/2010 dated 18/11/2010
(2) Section 63 of Kerala Police Act 2011
(3) Order dated 17/10/2011 of KSHRC in HRMP No.1506/2005

Instructions had been issued earlier that no Police Officer shall interfere in any dispute of civil nature and they shall not summon the parties by compulsion to the Police Station, in order to settle the issue. It has also been clarified that Police have jurisdiction in a dispute only when commission of any criminal offence or any threat to the maintenance of law and order is disclosed or is reasonably anticipated.

02. It is noticed that these instructions are still being violated by Police officers. The Hon'ble Kerala State Human Rights Commission while considering a petition has commented that *"such actions of the Police Officers in interfering matters relating to civil disputes and humiliating people are high handed ones"*.

03. It is not the duty of the Police to 'mediate' or 'interfere' in civil cases and civil matters, since these fall squarely within the jurisdiction of the Revenue Authorities and the Civil Courts unless and otherwise an Executive Magistrate or a Civil Court has issued specific directions in this regard to the Police.

04. The following provisions of section 63 of Kerala Police Act 2011 are brought to the notice of all. Police are empowered by the said provision to interfere in a dispute which can lead to a cognizable offence. In that case the Station House Officer can take steps

- (a) to ascertain the facts and circumstances of the matter by interacting with the individuals concerned or to others acquainted with such facts; or
- (b) to give warning in writing to any individuals or all groups involved in the dispute against the doing of any unlawful act in continuation of the dispute; or
- (c) to encourage individuals or groups involved in the dispute to redress the dispute through mutual discussion or through mediation; or
- (d) to advise individuals or groups to approach the competent court having jurisdiction for redressing the dispute; or
- (e) to require the individuals or groups to seek redressal of the dispute by appearing before an Executive Magistrate having jurisdiction; or
- (f) to report facts before the Magistrate having jurisdiction for taking suitable action against any individual or all groups under the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

05. It is once again clarified that police action should be confined to the limits permitted by law.

**STATE POLICE CHIEF,
KERALA**

To

All Officers in List 'B'

Copy to : CA to all Officers in PHQ

,, : RAC/Circular Book/Records/Stock File