

**No. K1-197171/2016/PHQ**  
Police Headquarters, Kerala  
Thiruvananthapuram-695010  
Dated: 12/01/2017

**Circular – 02/2017**

**Sub: Publishing of photographs and videos of habitual criminals and notorious offenders in public interest through social media etc. – Instructions - reg.**

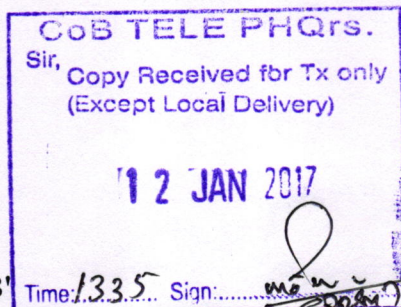
**Ref:** 1. Petition of Adv. Eldos Aliyas, Kothamangalam dated 13/11/2016.  
2. Letter No. 131/Camp/ADGP SZ/2016 dtd 23/12/2016 of ADGP SZ.

The petition received vide ref 1<sup>st</sup> cited discloses that the photos and videos of persons in custody or who are suspected of having committed the offence are revealed to the media by the Police very frequently in contravention of the provisions under section 31(3) of the Kerala Police Act, 2011. The remarks received vide reference 2<sup>nd</sup> cited confirms the position.

(2) An accused is entitled to the privilege of presumption of being innocent till guilt is pronounced by a Court. As such he is entitled to the right to privacy guaranteed under Art. 21 of the Constitution of India. It is also pointed out that information which would impede the process of investigation or apprehension or prosecution of offenders is exempted from disclosure under section 8(1)(h) of the Right to Information Act, 2005. As per section 31(3) of the Kerala Police Act, 2011, no person in custody shall be paraded or allowed to be photographed and no press conference shall be conducted without the permission of State Police Chief for the purpose of publishing the same in the news paper or in any visual media. Section 31(3) is, thus, safeguarding the privacy of the accused as well as the confidentiality of the investigation. However, the powers of the State Police Chief under the said provision are non-delegatable.

(3) Victim, witnesses, suspects and accused should not be given excessive publicity as it affects smooth investigation and also amounts to invasion of their privacy rights. Identification of witnesses by the newspapers/media also endanger them to come under pressure from the accused or his associates. The display of suspect's picture may also create a problem during 'identification parades' conducted under S. 54A of the Code of Criminal Procedure for identifying the accused. There cannot, therefore, be an unrestricted access to all the details of the investigation, especially the identity of the accused.

(4) It is clear from Section 31(3) of the Kerala Police Act, 2011 and the above narration that the general rule is that no person in custody shall be paraded or allowed to be photographed etc. Instances where permission of the State Police Chief is to be sought for parading, photography etc. of the person in custody is to be kept to the minimum and treated as exceptions to the general rule. In such exceptional cases, the permission of State Police Chief shall invariably be obtained as provided under section 31(3) of the Kerala Police Act, 2011.



**Loknath Behera IPS**  
DGP & State Police Chief

To,

**All officers in List 'B'**

Copy to: All officers in PHQ / Circular Book