

No:D4/65247/2011

Police Headquarters,
Kerala, Thiruvananthapuram,
Dated:25/07/2011.

CIRCULAR NO.21/2011

Sub: - Missing Properties – Maintaining Register of Missing Properties –
Kerala Police Act 2011-Instructions issued -

I. The attention of all Police officers is invited to the Section 58 of Kerala Police Act. This section relates to the legal liability of the Police to maintain a register for the purpose of recording reports of valuable articles lost by members of the public. This is a new responsibility given to the Police as per the Police Act. The following directions are issued to all Station House Officers regarding the manner in which this responsibility is to be discharged.

II. It should be borne in mind that in respect of any article that has been stolen or has been missing as result of some crime, then the procedure followed under Section 58 should not be followed. Where a crime has taken place with regard to the missing article, then a case must be registered with respect to the circumstances relating to the missing of the article and investigation conducted expeditiously.

III. Whenever a valuable property or security is missing under circumstances which do not give raise to any reasonable suspicion of any crime having been committed, Section 58 can be applied. This Section will apply to only reasonably costly articles like jewellery, electronic goods and valuable securities like Passport or Certificates or any other similar objects. It will also apply to a valuable object misplaced by the complainant or lost in a natural calamity or in an accident etc..

IV. When such information is received the SHO may first evaluate the value and nature of the missing article and make a reasonable decision as to whether it is necessary to record the matter in the Register as required under Section 58 of Kerala Police Act.

V. If the SHO considers that the missing article is a valuable property or security then he shall enter the details in a "Register of Missing Properties" with the following column headings.

1. Sl. No.
2. Date of Missing.
3. Date of Report.
4. Brief description.
5. Identifying Details.
6. Value.
7. Name, Address and Contact details of the Complainant.
8. Name, Address and Contact details of the Owner of the Property.
9. Whether Certificate of Loss given.

VI. After making entry in the register the SHO may, if he considers it reasonable and necessary, conduct enquiries to a reasonable extent to locate the missing article and to satisfy himself that the claim regarding the fact of loss is correct.

VII. For those who require a Certificate of Loss, an extract of the above register may be given, in the form of a certificate.

VIII. In respect of claims of insurance, issue of duplicates etc the relevant authorities sometimes require a Police Certificate with regard to the actuality of the loss for validating the claim. Therefore when such losses are reported to the Police, it is desirable that the procedure prescribed in the section 58 of Kerala Police Act is followed.

IX. The above procedure for maintenance of the Register and for dealing with such complaints shall be followed with immediate effect.

X. Compliance shall be reported before 1st of August 2011.

**STATE POLICE CHIEF,
Kerala.**

To

All Officers in List 'B' for information and necessary action.

Copy to: CAs to All Officers in PHQ
" Circular File/Stock File