

**Circular No.29/2011**

**Sub:** Criminal Cases – Involvement of Police Personnel – Monitoring and Review-  
Instructions Issued – Reg

Criminal tendencies among police personnel, whether in official or personal capacity, must be severely dealt with and if possible, completely eliminated. Therefore when police personnel become accused in criminal cases, the matter requires the urgent and personal attention of senior officers.

2. There are various circumstances under which police personnel become accused in criminal cases. They could commit crimes either in their personal capacity or in their official capacity; or they could commit crimes by knowingly or unknowingly exceeding the lawful authority vested in them. Sometimes they could be accused of crime falsely and deliberately due to some personal enmity, engendered by personal conduct or fearless discharge of official duty. At other times they may be accused of crimes because of the repercussions of some duty or by some ill-effect caused by duty justly performed by them. It is also necessary to distinguish between conscious and deliberate criminal acts and errors of judgment while carrying out bona fide duties.

3. It is necessary that, whatever be the nature of the crime, crimes registered against police officers are justly and properly enquired into and investigated. No person should have any ground for complaining that policemen who committed crimes against that person escaped from lawful punishment because of the fact that he was a police officer. At the same time no police officer who is falsely accused of a crime or who is implicated in a crime with ulterior motive should be denied fair investigation and a fair chance to clear his name.

4. Hence the following instructions are issued with regard to registered crimes in which police personnel are accused:

i. All crimes in which police personnel are accused will be treated as Special Report Grave Crimes in which the investigation will be done by an officer of the rank of CI and an officer of the rank of DySP will be personally supervising the investigation. In case of officers of and above the rank of Circle Inspector being accused of a crime, then the investigation shall be personally supervised by an officer of such rank as may be decided by the State Police Chief.

ii. A copy of every FIR so registered will be forwarded to Police Headquarters (PHQ). At PHQ, a register will be maintained incorporating the details of the matter in the manner to be prescribed by the State Police Chief. The AIG shall be the custodian of the register, which will be regularly updated by the Disciplinary Branch.

iii. The FIR received at PHQ will be forwarded to the ADGP (Int) who shall cause necessary enquiries in the matter of the circumstances of each case and report to the State Police Chief.

iv. If the investigation discloses that the police officer is guilty of a criminal offence, a special report shall be forwarded by the investigating officer through his official

supervisory officer to the disciplinary authority of the officer concerned who shall initiate further disciplinary action in the matter.

**v.** If in any case, the officer is not placed under suspension, the reason for the same will be reported to the ADGP (Int) by the disciplinary authority. If ADGP (Int) disagrees with the disciplinary authority in the matter, then ADGP (Int) may bring the matter to the notice of the State Police Chief.

**vi.** As on the 1<sup>st</sup> of July and the 1<sup>st</sup> of January every year a comprehensive list of those personnel involved in Crimes will be prepared based on the register as well as on the details received from units. The details in respect of all cases whether under investigation or under trial as on the first day of the relevant half year will be considered for this.

**vii.** The list shall be reviewed in the month of August and February every year by a committee consisting of ADGP Zones, ADGP (Crimes) and ADGP (Int) and chaired by the senior-most among them. The committee will evaluate the prima facie sufficiency and propriety of police action and investigation and give suggestions for further action. This committee will also recommend the cases of those people whose behaviour is so unsuitable as to warrant their removal from the force invoking the provisions of Sec. 86 of the Kerala Police Act, 2011. The committee will also review the adequacy and propriety of disciplinary action, disciplinary punishment, suspension, reinstatement, etc. In each case, the recommendation regarding the need for corrective action will be submitted to the State Police Chief.

**viii.** The Committee, while examining the list for a particular half year, will also examine the relevant list for the previous half year and look into those cases which have resulted in conviction, acquittal, discharge or compounding in the previous six months and which do not figure in the list for the subsequent half year. The committee will also examine whether any further action is required in respect of any person who has been convicted, acquitted or discharged or in respect of whom the offence has been compounded.

**5.** For the current year, for maintaining the register, all crime cases reported on or after 01.07.2011 may be reported as above to the Police Headquarters with copy of FIR. Another master list, in which all cases which are pending investigation or are under trial as on 01.07.2011 will also be prepared and maintained so that the list to be made as on 01.01.2012 can be a complete list containing particulars of all cases which are under investigation or pending trial or has been convicted, acquitted discharged or compounded after 01.07.2011.

**STATE POLICE CHIEF, KERALA**

To

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

Copy to : CAs to DGP/ ADGP(HQ)/ IGP(HQ)/ DIG(Admn)/ AIG-I/ AIG-II/ AIG(PG) / SP (Spl Cell).

" Stock File / Records / Circular / Confidential Section.

" AIG PHQ for putting up proposals on the maintenance of the register and the format of the periodical review.