

**No. U1/6667/09**  
Police Headquarters  
Kerala, Thiruvananthapuram  
Dated: .11.2012

**CIRCULAR NO. 32/2012**

Sub:- Destruction of public and private properties in agitations -  
Instructions issued.

Read:- 1) Judgment of the Hon'ble Supreme court dated 16.04.2009 in  
WP(Crl) No.77 of 2007.  
2) Prevention of Damage to Public Properties Act 1984.

1. Taking a serious note of various instances of large scale destruction of public and private properties in the name of agitations, Bundhs, Harthals and the like, suomotu proceedings were initiated by the Hon'ble Supreme Court in WP(Crl) No. 77 of 2007. Vide judgment dated 16.04.2009 in the above Writ petition, the Hon'ble Supreme Court have issued the following guidelines to effectuate the modalities for preventive action as soon as a demonstration is organized and for adding teeth to enquiry/Investigation.

- a) The organizer shall meet the police to review and revise the route to be taken and to lay down conditions for a peaceful march or protest.
- b) All Weapons, including knives, lathis and the like shall be prohibited.
- c) An undertaking is to be provided by the organizers to ensure a peaceful march with marshals at each relevant junction.
- d) The police and State Government shall ensure videographing of such protest to the maximum extent possible.
- e) The person in charge to supervise the demonstration shall be the DPC (if the situation is confined to the district) and the highest Police officer in the State, where the situation stretches beyond one district.

f) In the event that demonstrations turn violent, the officer-in-charge shall ensure that the events are videographed through private operators and also request such further information from the media and others on the incidents in question.

g) The police shall immediately inform the State Government with reports on the events, including damage, if any, caused.

h) The State Government shall prepare a report on the police reports and other information that may be available to it and shall file a petition including its report in the High Court or Supreme Court as the case may be for the Court in question to take suomotu action.

2. To enable the prosecution to adduce direct evidence to prove that the culprits arraigned in the trial have committed the acts which caused destruction of public property, thereby averting unmerited acquittals in trials involving offences under PDPP Act and in the wake of amendments brought in the Evidence Act permitting evidence collected through electronic device is admissible in evidence, the following directives have also been issued by the Hon'ble Supreme Court with regard to the adherence of the guideline (d) above.

a) If the officer in charge of a Police Station or other law enforcing agency is of the opinion that any direct action either declared or undeclared has the potential of causing destruction or damage to public property or members of public, he shall avail himself of the services of video operators. For this purpose each Police Station shall be empowered to maintain a panel of local video operators who could be made available at short notices.

b) The Police officer shall avail the services of videographer to accompany him or any other Police officer deputed by him to the site or any other place wherefrom video shooting can conveniently be arranged

concentrating on person/persons indulging in any acts of violence or other acts causing destruction or damage to any property.

- c) As soon as direct action subsides, the Police officer concerned shall authenticate the video by producing the videographer before the Sub Divisional or Executive Magistrate who shall record his statement regarding what he did. The original tapes or CD or other material capable of displaying the recorded evidence shall be produced before the said Magistrate. It is open to the Magistrate to entrust such CD/Material to the custody of the police officer or any other person to be produced in court at the appropriate stage or as and when called for.

3. As a report in the matter has to be furnished to Government as envisaged in item (g) of the guidelines, all District Police Chiefs of Districts/Cities, are instructed to send such a Report to State Police Chief through Additional Director General of Police, Intelligence with copies to Range Inspectors General of Police and Zonal Additional Directors General of Police, containing all the details required mentioned in the guideline, soon after such an incident, if any damage has been caused.

4. All District Police Chiefs of Districts/Cities are hereby instructed to strictly adhere the above guidelines/Directives of the Hon'ble Supreme Court.

  
**STATE POLICE CHIEF**  
3/11/14

To

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

Copy to: CAs of all Officers in Police Headquarters for information  
,, LA, Manager, Police Headquarters for information  
,, All SSs and JSs, PHQ/RAC/Stock file