

DR. A.K.JAYASANKARAN NAMBIAR, J.
&
JOBIN SEBASTIAN, J.

W.P.(C).NO.32952 OF 2024

Dated this the 19th day of August, 2025

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

This Public Interest Litigation was initiated *suo motu* based on a letter dated 10.09.2024 received from the Kerala High Court Advocates' Association that brought to our notice an incident involving an altercation between an Advocate and Police Officials within the premises of the Judicial First Class Magistrate Court, Ramankary in Alappuzha District.

2. Taking judicial notice of the rising number of such instances in the State, it was felt that some guidelines had to be put in place to deal with such situations in future. Towards that end, therefore, we passed an order dated 20.11.2024 directing the Secretary, Home Department and the Director General of Police of the State to make available before the Court, all recent Government Orders, Circulars and Office memorandums, if any, that had been issued to the Police Officials instructing them on the conduct that they had to adhere to while attending to proceedings before the Courts and other judicial authorities within the State.

3. Responding to our directions, an affidavit was filed by the State Police Chief on 06.01.2025 stating that other than the Circulars and Standard Operating procedures issued in connection with investigation and prosecutions, there was no Circular or Office Memorandum issued specifically to guide Police personnel on the conduct to be adhered to while attending to judicial proceedings. We therefore felt that it was necessary and desirable that a Code of Etiquette and Conduct be prescribed by the State Government to guide the conduct of Law Enforcement agencies in the State. As a first step towards that end, we directed the State Police Chief to hold discussions with the Director General of Prosecution with a view to drawing up a roadmap for further discussions with all relevant stakeholders so that eventually a Model Code of Etiquette and Conduct could be published to guide the Police personnel and other Law Enforcement agencies in the State.

4. A Model Code of Etiquette and Conduct for Police Personnel was since drawn up and made available for our perusal through a memo filed by the Senior Government Pleader on 24.03.2025. The Model Code was in three parts, dealing separately with (i) the Code of Etiquette for Police Personnel; (ii) Standard of Behaviour for Public as well as other stakeholders towards Police; and (iii) Standard of Behaviour for Media Reporting on Police-

Related actions. As we are primarily concerned in these proceedings with only the first two parts, we deem it apposite to extract those parts of the Model Code herein below:

Model Code of Etiquette and Conduct for Police Personnel

This model Code of Etiquette and Conduct promotes an environment of professionalism, trust and respect both within the Police force and the communities they serve. It aims to guide police officers in upholding ethical standards, fostering positive relationships and ensuring fair and responsible policing practices.

1. Professionalism and Integrity:

- **Adherence to the Law:** Police Officers must uphold the law and maintain order without bias, or favouritism, following legal standards and protecting the rights of all individuals.
- **Honesty and Transparency:** Officers should conduct themselves with honesty, transparency, and truthfulness in all interactions, whether with the public, fellow officers, or superiors.
- **Impartiality and Fairness:** Officers must act impartially, ensuring fair treatment for all individuals, regardless of race, gender, religion, socio-economic status, or political affiliation.
- **Accountability:** Police personnel are accountable for their actions and must be open to scrutiny. Mistakes or misconduct should be acknowledged, and corrective action should be taken when necessary.

2. Respect and Courtesy:

- **Respect for the Public:** Police officers should treat members of the public with respect and dignity. This includes listening attentively, communicating politely, and avoiding any forms of discrimination or harassment.
- **Respect for Colleagues:** Officers must demonstrate respect for fellow personnel, including supporting one another and maintaining cooperative and professional relationships.
- **Civility in Communication:** Whether verbal or non-verbal, communication should be clear, respectful, and professional. Aggressive, inappropriate, or disrespectful language is never acceptable.

3. Appearance and Uniform:

- **Proper Attire:** Police officers should wear their uniforms in a clean, well-maintained, and appropriate manner, adhering to department standards.
- **Personal Grooming:** Officers should maintain a clean and neat appearance with appropriate grooming standards. This promotes respect and professionalism both within the force and in the community.
- **Identification:** Officers should always display proper identification (e.g., badges, name tags) while on duty.

4. Duty and Service:

- **Punctuality and Attendance:** Officers must report for duty on time and be prepared to work their shifts as scheduled, adhering to work protocols.
- **Commitment to Service:** Police personnel must demonstrate a commitment to serving the community, proactively preventing crime, and ensuring safety and security for all citizens.
- **Confidentiality:** Officers must respect the confidentiality of sensitive information and not disclose any information obtained through their position, unless authorized or required by law.

5. Use of Force:

- **Use of Force Guidelines:** Force should only be used when absolutely necessary, and it should be proportional to the situation. Officers should exhaust all reasonable alternatives before resorting to physical force.
- **De-escalation Techniques:** Officers should be trained in and use de-escalation techniques to manage situations effectively without unnecessary confrontation.

6. Relationships with the Public including lawyers:

- **Community Engagement:** Officers should strive to build positive relationships with the communities they serve, understanding the needs and concerns of local residents, and actively participate in community outreach programs.
- **Non-Discrimination:** Police Officers should treat all individuals equally and fairly, without regard to race, ethnicity, religion, gender, or other characteristics.
- **Conflict Resolution:** Officers should use their skills to resolve disputes peacefully and constructively, always seeking to avoid unnecessary escalation.
- Lawyers are integral part of administration of criminal justice. Frequency of interaction of Police and Lawyer is constrained to be higher especially in trial court centres. Recently instances are reported where either Police or Lawyers crossing the limits of a

healthy relationship. It is high time that they worked in tandem for CORT OF GH the interests of the society. Whenever instances of disputes or conflicts occur both parties shall exercise restraint and immediate steps are to be taken to avoid escalation of the situation.

7. Use of Technology and Social Media:

- **Respect for Privacy:** Officers must respect individuals' privacy and the integrity of data, refraining from using law enforcement databases for personal purposes.
- **Social Media Conduct:** Officers should avoid posting or engaging in social media activities that could compromise the public's trust in law enforcement or damage their reputation. They should be aware that online behaviour reflects the professionalism of their department.

8. Professional Development:

- **Training and Education:** Police personnel are encouraged to continuously develop their skills, attend regular training, and stay updated on legal developments, crime prevention techniques, and best practices in law enforcement.
- **Self-Reflection and Improvement:** Officers should engage in self-reflection, recognizing areas for personal and professional growth and strive for continuous improvement.

9. Handling Complaints and Grievances:

- **Complaint Resolution:** Police personnel must be responsive to complaints and grievances from the public or colleagues, taking them seriously and addressing them promptly.
- **Transparency in Investigations:** When complaints are made against officers, investigations should be conducted fairly, transparently, and promptly to uphold the integrity of the department.

10. Ethical Conduct:

- **Avoidance of Corruption:** Officers must never engage in or tolerate corruption, bribery, or any illegal activities.
- **Conflict of Interest:** Police personnel should avoid any personal relationships or financial interests that might impair their ability to perform their duties impartially.

11. Leadership and Supervisory Conduct:

- **Leading by Example:** Superior Officers and Senior Officers should lead by example, embodying the standards and ethics expected of all personnel.

- **Support and Mentorship:** Senior Police Officers should provide guidance, support, and mentorship to Subordinate Police Officers, fostering an environment of professional growth.

12. Physical and Mental Health:

- **Self-Care:** Officers should prioritize their physical and mental well-being, seeking assistance when need to cope with the stresses of their profession.
- **Wellness Programs:** Police departments should offer support programs for physical and mental health, including stress management and counselling services, ensuring officers are fit to perform their duties.

Standard of Behaviour for the Public as well as other stakeholders towards Police:

1. Respect for Authority:

- **Compliance with Law:** The public should recognize and respect the authority of the police in enforcing the law. The Police Officers are entrusted with maintaining public order, safety and security. Hence their role should be acknowledged and supported.
- **Respectful Communication:** When interacting with police officers, individuals should speak respectfully and cooperatively. Avoiding hostile, defiant, or aggressive behaviour will lead to smoother interactions and reduce tensions.
- **Co-operation with Lawful Orders:** The public should comply with lawful orders and requests made by police officers, such as providing identification when required or following instructions during a traffic stop. Non-compliance should only occur if individuals believe their rights are being violated, in which case they should calmly assert their rights without escalating the situation.

2. Non-violent Engagement:

- **Avoidance of Aggression:** Members of the public should refrain from any violent or threatening behaviour towards police officers. Physical confrontation or verbal abuse can escalate situations and lead to negative consequences for all parties involved.
- **Use of Legal Channels:** If individuals feel they have been mistreated or wrongly arrested, they should use legal channels, such as filing complaints or pursuing the matter through the Courts, instead of resorting to violence or aggressive actions.

3. Respect for Police Officers' Safety:

- **Avoid Obstructing Police Work:** Individuals should avoid interfering with police officers while they are performing their duties. This includes not obstructing crime scenes, not obstructing arrests, and refraining from behaviour that could endanger an officer's safety or hinder their ability to perform their job.

- **Calmness in Stressful Situations:** In tense situations, the public should try to remain calm and not escalate emotions. The more calmly they respond, the more likely it is that the situation can be resolved peacefully.

4. Civility in Public Spaces:

- **Non-disruption:** Members of the public should not engage in disruptive behaviour when police officers are performing their duties in public spaces (e.g., shouting, swearing, or interfering with their work). A respectful atmosphere helps officers work more efficiently and minimizes public disturbance.

- **Understanding Police Presence:** Police officers are sometimes required to act decisively or quickly in high-pressure situations. The public should understand that their interventions might be necessary for public safety, even if the situation does not directly involve them.

5. Constructive Engagement and Feedback:

- **Raising Concerns Respectfully:** If the public feels that the police have acted unprofessionally or unfairly, they should seek to address the issue in a lawful and constructive manner, such as by filing formal complaints through appropriate channels (e.g., the Police Department's internal affairs or Public Grievance Redressal Wing).

- **Advocating for Accountability:** While the public has the right to question and criticize police actions, it should do so through peaceful means, ensuring that discussions are aimed at improving law enforcement rather than attacking or disrespecting officers.

5. Finding that the above guidelines were general in nature and that our attempt in these proceedings was to draw up a specific guideline as regards the code of conduct to be adhered to by Police personnel within court premises, we directed the State Police Chief to invite the suggestions of other stakeholders such as the Bar Council of Kerala, the President of the Kerala High Court Advocates' Association and the Director General of Prosecution, and then submit a report on the outcome of deliberations held with

them on the subject. Vide a report dated 04.06.2025, the State Police Chief has submitted as follows:

"5. It is submitted that in compliance with the direction therein the interim order of the Hon'ble High Court, suggestions were invited from several stake holders regarding evolving of a protocol on the arrest of accused persons within court premises and also other similar circumstances that may evolve, vide PHQ letter No.U5-174613/2024/PHQ dated : 06/05/2025. It was despatched from PHQ on 06/05/2025. This includes suggestions sought from Bar Council of Kerala, The Kerala High Court Advocates Association, Director General of Prosecution, Director General of Police of other States & Service Associations in Kerala Police. The same are marked as **Annexure R2(a)**.

6. The suggestions dated 29/05/2025 sent by the Kerala High Court Advocates' Association were received at PHQ on 02/06/2025. It was analysed carefully and the remarks in this regard submitted as follows:

(i). Respect for legal profession and due courtesy

As per section 29 (1) of the Kerala Police Act, "*All Police Officers on duty, in their dealings with the public, shall exhibit courtesy, propriety and compassion appropriate to the occasion and use polite and decent language.*"

It is submitted that the above proposition is already a statutory mandate that police officers are bound to keep in their interactions with all persons and no specific protocol is required in this regard.

(ii). Police officers not to use force within court premises or arrest accused within court premises except with the sanction of the judicial officer in charge of the court premise. In emergent cases of police action, report to be given to CJM or District Judge with report and video footage.

It is submitted that proportional use of force by police is regulated by law in Section 148 BNSS in respect of dispersal of unlawful assembly, section 43 BNSS while effecting arrest, Sections 34 to 44 (private defence) BNS, etc. The power of police to arrest is chiefly governed by section 35 to 62 BNSS. These are universally applicable and optimally designed to ensure professional policing while protecting the rights of the accused.

It is further submitted that designing a protocol warranting sanction of judicial officer for use of force or arrest in court premises will be fraught with several practical issues affecting the quality of policing. For Instance, if a violent mob rushes into the court premises endangering the life of accused or witness or even counsels/judicial officers, police will have to resort to use of force under 148 BNSS. There can be circumstances where a fugitive escapes from police and

takes asylum in a court premise. Cognizable offences may be committed in front of police in court premises or even police personnel may be assaulted by accused in court premises. There can be numerous other situations that warrant immediate and resolute action from police not only for the effective dispensation of criminal justice but also to repose public faith in the criminal justice machinery.

It is submitted that the term "court premise" cannot be precisely conceived since most courts do not function in exclusive premises. They share premises with many other public offices. Police Stations also share premises with the court in many places. In such cases, even the arrest of a mob which gheraos a public servant in an office sharing premise with the court may also be construed as arrest in court premises.

It is submitted that the premises outside the court hall being public place, the scope of police intervention is clearly governed by the law and no further protocol is required as such. Imposing fetters on police intervention in public space outside the court hall will hamper police efficacy and the effective dispensation of criminal justice.

It is submitted that a protocol may be put in place that no police personnel shall arrest any person from within the court hall without the prior permission of the presiding judicial officer unless circumstances warrant that such arrest be made to prevent an imminent offence/danger.

(iii). Prior intimation to the president of bar council on any intended police action involving advocates in court premises.

It is submitted that Police actions whether investigative or strategic often involves a great degree of confidentiality which is the crux of its efficacy. Such actions cannot be disclosed in advance. For instance, if police receive information that an absconding criminal in a heinous crime is likely to visit a court with his advocate to stand surety for his accomplice, police may mount surveillance. As soon as he comes out of the court hall, police may record his arrest. Prior intimation to Bar Council in this case will defeat the entire purpose. Hence it is not a practicable suggestion.

(iv). Unjustified manhandling and verbal abuse of advocates by police officers should warrant department action.

It is submitted that instances of such kind are firmly dealt with by the department. Considering the magnitude of interactions between advocates and police personnel, on a day to day basis, the number of such instances reported are miniscule. However, a reciprocal protocol may be made in this regard as suggested. Strict department action is to be taken in case of unjustified assault or verbal abuse by police personnel on advocates. Similarly, strict disciplinary action is to be taken by Bar Council in case of assault or verbal abuse by advocates against police personnel.

(v). Right to entry for advocates in police stations for professional works and treatment with courtesy.

It is submitted that as per Section 29 of Kerala Police Act, 2011, the police personal shall show courtesy, propriety and compassion in public interaction which is already a legal mandate. Public Relations Officers (PROs) have been designated in police stations who receive all visitors with due respect and guide them on these requirements. Detailed guidelines have also been issued on the above aspects vide Circular No.23/2015 (**Annexure R2(b)**). Hence a further protocol in this regard for advocates alone will be redundant.

(vi). CCTV Surveillance in Police Stations

It is submitted that the Hon'ble apex court has given directions to install CCTV cameras in all police stations along with the extend of its coverage and functional specifications vide its judgement is SLP(Crl) No.3543/2020 filed by Sri. Paramvir Singh Saini Vs Baljith Singh and Others dated 02/12/2020 which is strictly being compiled in all police stations in the state. A Circular No.23/2021/PHQ dated 15/07/2021 issued by this office has clearly and comprehensively laid down the mandate in this regard and hence no further protocol is required in this aspect (**Annexure R2(c)**).

(vii). Grievance redressal mechanism specifically for complaints of advocates.

It is submitted that all public grievances are received through the ICOPS platform. The platform enables preliminary inquiry as well as registration of FIR as per 173 BNSS. The entire investigation and preparation of final report is done in the portal with periodic automated alerts to complainants on the stages of investigation. There is a well-established SOP for ICOPS which is used to process complaints from advocates also. Priority in investigation is decided based on the gravity of the offence as prescribed by law and not based on the profession of the complainant. For instance, SC/ST POA cases and POCSO cases are to be investigated in a smaller time frame. Granting priority to complaints given by a person belonging to a particular profession through a protocol is not in the interest of rule of law.

(viii). Joint sensitization programs involving advocates and police personnel.

It is submitted that this is a welcome suggestion which could be implemented in coordination with District Police Chiefs and Bar Associations. However, it may be done outside the protocol since it is not an operational aspect.

(ix). Police Training Curriculum should include professional ethics, constitutional rights, role of advocates and judicial decorum.

It is submitted that these aspects are already covered in the police training curriculum but improvements can be made. However, it may be done outside the protocol since it is not an operational aspect.

(x). A permanent and systematic framework for dialogue between district police and bar associations.

It is submitted that this is a practical suggestion to avoid and

resolve disputes that arise between advocates and police. The president of the District Bar Association or a respectable member of the bar and a Nodal Officer designated for the purpose by the District Police Chief may maintain constant dialogue which can resolve all differences on a day-to-day basis. This mechanism can work on a reactive and proactive mode to enable warm and professional relationship between the Bar and Police. This mechanism can cater to any issue dynamically and is better than defining straight jacketed protocols which could become an operational hindrance crippling police effectiveness. Hence this is a viable solution.

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On an overall analysis of the suggestions received, it is submitted that the following three protocols are practically viable.

- 1. No police personnel shall arrest any person within the court hall without the prior permission of the presiding judicial officer unless circumstances warrant that such arrest be made to prevent an imminent offence/danger.**
- 2. A permanent channel of dialogue for resolution of differences between the bar and police should be evolved in every police district. It will have the President of the Bar Association or any other respectable member of the bar at one end and a Nodal Officer not below the rank of DySP designated by the District Police Chief at the other end. This mechanism would resolve differences between the bar and the police through effective dialogue and work proactively to foster a warm and professional relationship between advocates and police officers.**
- 3. Strict department action shall be taken in case of unjustified assault or verbal abuse by police personnel on advocates. Similarly, strict disciplinary action shall be taken by the Bar Council of Kerala in case of assault or verbal abuse by advocates against police personnel."**

6. When the matter was thereafter taken up on 09.06.2025, we passed the following order:

"I.A.No.1 of 2025:

Heard Allowed.

The applicant shown in the I.A is impleaded as additional 6th respondent in the Writ Petition.

W.P.(C).No.32952 of 2024:

A memo has been filed by the learned Senior Government Pleader producing a report dated 04.06.2025 as furnished by the State Police Chief pursuant to the directions issued by this Court on 01.04.2025. The said report deals with the suggestions that were made by the Kerala High Court Advocates' Association and the specific remarks of the State Police Chief in respect of those suggestions. The report also states that although the Kerala Bar Council was addressed in the matter and asked to furnish their suggestions with regard to steps that could be taken to ameliorate the conflict situation and improve the relationship between the members of the Bar and the Police Department, they have not furnished any suggestions till date.

On going through the report, we find that there is a considerable lack of clarity with regard to what constitutes "court premises" more so when some of the courts in the State function from buildings, portions of which are also used by commercial establishments for their functioning. With a view to dealing with such a situation and formulating a comprehensive guideline that will take into account the interests of all stakeholders such as the Police Personnel, the Advocates, and the Judicial Officers, we deem it appropriate to constitute a Committee comprising of the Advocate General of the State, the Director General of Prosecution, the President of the Kerala High Court Advocates' Association, and two Senior Advocates, namely, Sri. S.Sreekumar and Sri. Santhosh Mathew, for the purposes of reviewing the draft report submitted by the State Police Chief, and made available to us by the learned Senior Government Pleader, and suggesting measures that can be incorporated into a comprehensive guideline that will address issues touching upon the interactions between the Police Personnel and members of the legal profession in the circumstances indicated above.

Post this case on 24.06.2025 for the feedback of the aforesaid Committee. The Registry shall furnish copies of the pleadings in this *suo motu* Writ Petition to the learned Senior counsel."

7. The Committee constituted vide our above order has since furnished their suggestions in the matter. We have also perused the counter affidavit filed on behalf of the State Committee of the Kerala Police Officers' Association, that was impleaded as the additional 6th respondent in these proceedings. We have also heard Sri.Santhosh Mathew, the learned senior counsel, Sri.B.G. Harindranath, the learned senior counsel, Sri.Yeshwanth Shenoy, the learned counsel and the President of the Kerala High Court

Advocates' Association and Sri.Grashious Kuriakose, the Additional Director General of Prosecution in the matter.

8. On a consideration of the various suggestions, we are of the view that over and above the statutory and administrative guidelines already in place such as the provisions of the Bharatiya Nagarik Suraksha Sanhita, the Kerala Police Act, the Government Orders and Office Memorandum issued by the State Government and the judicial guidelines prescribed in the context of arrest in the various judicial precedents, the following clarifications would suffice to guide the Law Enforcement agencies in the matter of effecting arrests of persons within the court premises in the State:

1. *"Court premises"* shall be taken as referring to not just the courtrooms, but shall also include all lands, buildings and structures (except residential quarters) used in connection with court proceedings during the notified working hours of the court, or till the court is in session, whichever is later.
2. While arresting persons within the court premises, the following guidelines shall be adhered to:
 - i. Arrest, detention or apprehending any person in court premises during court hours shall, except in situations covered by clause (iii) below, be done only with prior intimation to the Presiding officer/jurisdictional court.
 - ii. Provided that any person who intends to surrender before court in connection with any crime either by himself or accompanying a lawyer/advocate shall not be arrested,

apprehended or detained in court premises without prior permission of the Presiding officer/jurisdictional court.

- iii Police may arrest or use necessary force to arrest persons in court premises in emergent situations necessitating immediate action in order to prevent the occurrence of a cognizable offence within the court premises. Police can also arrest absconding persons/accused in long pending warrant matters in the court premises. However, intimation of arrest of persons in both of the aforementioned circumstances must be given to the presiding officer of the court immediately after the arrest.

3. With a view to instil a two-tier grievance redressal mechanism at the State and District level, we take cue from the judicial precedents in **Chalakkudy Bar Association v. Thomas Jolly Cheriyan - [2001 KHC 418]** and **District Bar Association Dehradun v. Ishwar Shandilya and Others - [2023 (4) KHC 233]** to direct the following Committees to be constituted at the State and District level:

a) At the State Level, the Committee shall comprise of the following personnel:

1. The Advocate General of the State
2. The Director General of Police.
3. Three members of the Bar to be nominated by the High Court Bar Association, including its President.
4. The Superintendent of Police of the area concerned (If, however, the allegations in question are against the Superintendent of Police, any Police officer above the rank of the Superintendent of Police to be nominated by the Director General of Police); and

5. The President of the Bar Association to which the complainant - advocate belongs (except the High Court Bar Association) whose nominees are already there.

b) At the District Level, the Grievance Redressal Committee shall be constituted with the following persons:

1. The Principal District Judge or the Judicial Officer nominated by the Principal District Judge.
2. The District Police Chief.
3. The District Government Pleader .
4. President of the Bar Association to which the complainant - advocate is a member.
5. A member nominated by the Bar Association to which the complainant - advocate is a member.

The deliberations of the Committees as constituted above shall be held at venues identified as convenient for all the stakeholders. Disputes or grievances that cannot be resolved at the District Level shall be escalated to the State Level and resolved by the State Level Committee.

The State Government shall forthwith issue an Office Memorandum highlighting the clarifications noted above for the purpose of informing all the stakeholders of the contents of this order.

Post the writ petition for further consideration after two months.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
JOBIN SEBASTIAN
JUDGE

prp/20/8/25