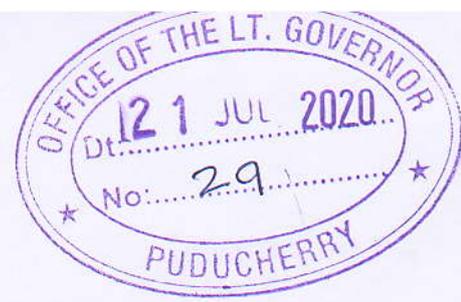


F. No. 15011/66/2020-HR-I & II
Government of India
Ministry of Home Affairs
(IS-II Division)



New Delhi, July 13, 2020

To

1. The Chief Secretaries of all States/UTs.
2. The Directors General of Police of all States/UTs.
3. The Commissioner of Police, Delhi.

Subject:- **Guidelines regarding various aspects of Custodial Deaths - regarding.**

Sir/Madam,

There is no gainsaying that the enforcement of law should be strictly within its framework, with all constituents of the enforcement machinery performing their assigned roles and functions not just fairly and efficiently but also in such manner that they are beyond doubt and reproach. Sustained efforts are, therefore to be made to ensure that there is no abuse of law or power and that the authorities are fully sensitized to enforce the provisions of law, with due care, diligence and sensitivity.

02 As you would appreciate the recent incidents of alleged deaths in police custody are a matter of serious concern and might shake the confidence of people in police and law enforcement agencies. Hence there is an immediate necessity to address the issue promptly and firmly.

03. I would like to bring to your attention that National Human Rights Commission (NHRC) has time and again issued necessary directions/advisories in this regard and the same need to be followed scrupulously by all the authorities in State/UT Administrations. All these guidelines are available on NHRC website (nlrc.nic.in). A brief containing some of the silent points is enclosed as (Annexure-A).

04. All State Governments/UT Administrations are therefore, once again requested to sensitize and direct all the functionaries at State, District and below level to follow and adhere to law of the land and the guidelines issued by NHRC on the subject matter. Further, all the States/ UT Administrations are requested to act firmly against any abuse of law in respect of Custodial Deaths in a firm and time bound manner.

Yours faithfully,


(Ashutosh Agnihotri)

Joint Secretary to the Government of India

Encl: As Above.

Copy to:- JS (IS-I), North Block, MHA.

SALIENT POINTS IN GUIDELINES REGARDING VARIOUS ASPECTS OF CUSTODIAL DEATHS

1. District Magistrate and Superintendent of Police of every district should report to the Secretary General of NHRC about incidents of deaths in police custody/judicial custody within 24 hours of occurrence or of these officers having come to know about such incidents. Failure to report promptly would give rise to presumption that there was attempt to suppress the incident.
2. The post mortem examination process be video filmed.
3. To adhere to the Model Autopsy Form and the additional procedure for inquest as prescribed by NHRC vide their letter No. NHRC/ID/PM/96/57 dated 27.03.1997.
4. In every case of custodial deaths, Magisterial Enquiry has also to be done and be completed as soon as possible but in such a way that within 2 months deadline, the Magisterial Enquiry report is made available
5. The post mortem report along with videography and the Magisterial Enquiry report must be sent within 02 months of the incident in the proforma prescribed as circulated by NHRC vide their letter No. NHRC/ID/PM/96/57 dated 27.03.1997.
6. In some cases of custodial deaths where viscera report takes time, the post mortem report and other documents should be sent to the Commission without waiting for the viscera report. The Viscera report should be sent subsequently as soon as it is received.
7. The requirement of videography of postmortem examinations in respect of deaths in jail will be applicable only in the following cases:-
 - (i) Where the preliminary inquest by the Magistrate has raised suspicion of some foul play.
 - (ii) Where any complaint alleging foul play has been made to the concerned authorities or there is any suspicion of foul play.