



Letter to all Home Secretaries regarding the revised instructions to be followed while sending post-mortem reports in cases of custodial deaths

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Secretary General

D.O. No. 40/1/1999-2000-CD (NRR)
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National Human Rights Commission

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Dear

As you are aware, the Commission had issued general instructions in 1993 that intimation be given to the Commission of any custodial death within 24 hours of its occurrence. These intimations are to be followed with the post-mortem reports, Magisterial Inquest Report/Videography report of the post-mortem etc. However, it is found that there is a considerable delay in sending the post-mortem report along with the videography and the Magisterial Inquest Report.

This causes delay in the Commission in processing the cases of custodial deaths and the awarding of interim relief wherever *prima facie* there is reason to conclude that the custodial death was a result of custodial violence. In order to streamline the procedure, the following instructions are issued:

- 1.1 The post-mortem report along with the videograph and the Magisterial Enquiry report must be sent within 2 months of the incident.
- 1.2 The post-mortem reports have to be sent in the new proforma which was circulated vide letter No. NHRC/ID/PM/96/57 dated 27.03.1997. All concerned authorities may be instructed to use the new proforma. A copy of the new proforma* is enclosed for ready reference.
2. In every case of custodial death, Magisterial Enquiry has also to be done as directed by the Commission. It should be ensured that the Magisterial Enquiry is completed as soon as possible but in such a way that within 2 months deadline mentioned in Para 1.1 the Magisterial Enquiry report is also made available.
3. In some cases of custodial death, after post-mortem the viscera is sent for examination and viscera report is called for. However, the viscera report takes some time in coming and therefore, this is to clarify that 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.

* For the new proforma refer to page nos.12 to 25.



Instructions may kindly be issued to all concerned authorities to adhere to the above guidelines.

Thanking you and with Season's Greetings,

Yours sincerely,

Sd/-

(N. Gopalaswami)

To

All Home Secretaries