

CIRCULAR

One of the very important issues the National Human Rights Commission is seized of is the occurrence of custodial deaths and rapes. In order to prevent custodial deaths, the Commission has prescribed the following procedure:-

- (1) A report to be sent within 24 hours of the custodial death of custodial rape to the Commission reporting the fact of custodial death or rape by the Superintendent of Police and the Deputy Commissioner of the District.
- (2) The above report will have to be followed up by a detailed report on the death.
- (3) During the course of inquest, since fixing the time of death is very important in ascertaining the culpability, additional inquest procedure in the form of taking the rectal temperature of the dead body and recording the stage of rigor mortis by the officers conducting the inquest is prescribed.
- (4) A model autopsy form is prescribed covering the nature of possible injuries that could occur in custody and the signs and symptoms they leave behind on the body of the victim and
- (5) Every autopsy concerning custodial deaths should be videographed and copy of the cassette sent to the Commission.

2. Custodial deaths are viewed with a lot of concern by the people, Government and particularly the N.H.R.C. Since the evidence available in cases of custodial deaths is meagre, the N.H.R.C. has come up with the above procedure. The Government of Karnataka have accepted the recommendations of the N.H.R.C. in toto. It is the responsibility of the authorities concerned to follow the instructions scrupulously. Therefore, the following instructions are reiterated:-

- (1) Whenever there is a custodial death or custodial rape, the Superintendent of Police and the Deputy Commissioner should report it by the fastest means, in any case not later than 24 hours directly to the N.H.R.C. Circular instructions have been issued in this regard in HD 55 PCR-94 dated 30-7-1994 and again communicated in letter No. HD 194 CGD 95

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- (ii) The Sub-Divisional Magistrates who are the prescribed authority for conducting inquests in cases of custodial deaths must make arrangements to take rectal temperature and the stage of rigor mortis of the dead body and make a mention of this in the inquest report,
- (iii) Autopsy should be conducted as per the model autopsy form recommended by the N.H.R.C. which has been accepted by the Government of Karnataka vide Circular No. NW 325 CGE 97 dated 15th September 1997.
- (iv) Autopsy should be videographed and two copies made of the cassette and forwarded to the Secretary to Government-II, Home and Transport Department, who is the Model Authority to be sent to the N.H.R.C. and the other copy to the Director General and Inspector General of Police for preservation and
- (v) The first report to the N.H.R.C. should be followed up by a detailed report giving all aspects of the case along with the post Mortem Report, Inquest Report and Sub-Divisional Magistrate's report within six weeks.


3. It is impressed on the field authorities dealing with custodial deaths or custodial rapes to realise the importance of the above procedure. Any remissness on the part of any authorities is viewed very seriously by the N.H.R.C.

Sd/-
(S. MARISWAMY) -
Secretary to Government-II, -
Home and Transport Department,

No. MAG. 473/97-98 -----

Dated: 13-11-97

Copy to the Sub-Divisional Magistrates, Hassan/Sakaleshpur and all Taluk Executive Magistrate for information & necessary action.


For Deputy Commissioner,
Hassan District, Hassan.