

GOVERNMENT OF TAMIL NADU

ABSTRACT

Postmortem examination in respect of deaths in police custody and in Jails – Video filming of postmortem examination – Orders – Amendment – Issued

Health and Family Welfare (Z1) Department

G.O. Ms.No.224

Dated: 28.11.2002

Read again

- 1) G.O. Ms. No.584 Health and Family Welfare Department
Dated: 6.12.1996

Read also

- 2) From the Chairperson, National Human Rights Commission
D.O. No.312/99 –PRP Dated :21.12.01
- 3) From the Director of Medical Education Lr. No.70356/92/02,
Date: 23.8.02.
- 4) From the Director of Medical and Rural Health Services
Lr.871/IC/3/2002, Dated: 23.8.2001.

ORDER:

In Government Order first read above, orders have been issued to the effect that all the postmortem examinations done in respect of deaths in police custody and in Jails shall be video-filmed and cassette be sent to National Human Rights Commission along with the postmortem report. The video equipments that have been supplied to every police District shall utilized for the above purpose and the Scientific Assistant incharge of Mobile Forensic Science Laboratory of the District level shall be summoned to assist in recognizing and recording clue materials and observations available in the scene of crime.

2) The Chairperson, National Human Rights Commission has now stated that an analysis on the cases of custodial death reported to the Commission during the last five years by various states has highlighted the need for re-examination of the instructions on videography in cases of death in jails from the aspect of their utility and the practical difficulties pointed out by some of the jail authorities. A scrutiny of the reports has revealed that, while death in police custody is very often a result of custodial violence, majority of deaths reported from jails are due to illness aggravated by negligence in giving proper treatment. Although the Commission views the postmortem examination as essential even in such cases, it feels the requirement of videography of the examination can be relaxed to some extent. The Commission has, therefore, decided to modify its earlier instructions. Accordingly, they suggested that the instructions regarding videography of postmortem examination in respect of death in police custody would remain in force as before. However, the requirement of videography of postmortem examination in respect of death in jail would be applicable only in 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 if there is any suspicion of foul play.

3) The Government have examined the suggestions made by the National Human Rights Commission in detail and proposed to accept them and to issue necessary amendment.

4) Accordingly, in partial modification of the orders issued in the Government Order first read above, the Government direct the requirement of videography of postmortem examination in respect of death in jail would 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.

5) This order issues with the concurrence of Home Department/Public Department vide their U.O. No.114288/Pol-13/2002-1, Dated 25.11.2002 and U.O.No.14670/L&O-A/2002-1, Dated 28.11.2002.

(By Order of the Governor)

Girija Vaidyanathan
Secretary to Government.

To

The Director of Medical Education, Chennai-10

The Director of Medical and Rural Services, Chennai-6

The Director General of Police, Chennai-4

The Director of Forensic Science, Chennai-4

The Additional Director General of Prisons, Chennai-4

The Chairman, National Human Rights Commission Sardar Patel Bhavan, New Delhi-110 001.

Copy to:

All District Collectors

Home/Public (L&O) Departments

The Senior Personal Assistant to Minister for Health, Chennai-9

The Senior Personal Assistant to Minister for Public Works Department and Prohibition and Excise Department, Chennai-9.

Chief Minister's Office, Chennai-9.

/Forwarded By Order/

Section Officer