Government of Jammu and Kashmir
Home Department, Civil Secretariat

Subject: Guidelines for video filming and photography of post-mortem examination in case of death in police action.


Circular No. 6 Home of 2014
Dated: 09-04-2014

With a view to ensure better quality of post mortem and video filming so as to help in better analysis of cases of custodial deaths and encounter deaths, the National Human Rights Commission, after consideration, has issued guidelines for being followed by the concerned in true spirit. The guidelines issued are enclosed as Annexure “A” to this Circular.

It is impressed upon the concerned officers/officials to strictly adhere to these guidelines. A copy of these guidelines has also been uploaded on the official website of the Home Department www.jkhome.nic.in

Sd/-
Principal Secretary to Government
Home Department.

Copy to the:-
1. Director General of Police, J&K, Jammu
2. Director General of Prisons
4. Secretary to the Government Health, Medical and Education
6. Inspector General of Police, Jammu/Kashmir
9. All District Magistrates.
10. All District Superintendent of Police.
11. I/C Website

(Ashok Kumar Sharma) KAS
Deputy Secretary to the Government
Home Department
My Dear Chief Minister Shri Omar Abdullah,

The Commission has been receiving reports of custodial deaths and deaths in police action. Whenever such report is received, the Commission holds an enquiry to find out if there was any violation of human rights. Post mortem report is a vital piece of evidence in such enquiry.

A communication dated 10.8.1995 was addressed to Chief Ministers of all States emphasizing that all post mortem examinations done in cases of custodial deaths or in encounter deaths should be video-filmed and cassette should be sent to the Commission along with post mortem report.

To ensure better quality of post mortem and video filming, the Commission invited suggestions from experts. On the basis of suggestions received from them, the Commission has formulated fresh guidelines for video filming and post mortem examination in cases of custodial deaths and encounter deaths so as to help in better analysis of cases. The guidelines are enclosed herewith as Annexure-A.

It is requested that the concerned authorities of the State/Union Territories may be given necessary instructions to follow the guidelines for video filming and photography of postmortem examination in cases of death in police action in their true spirit.

With regards,

Yours sincerely,

K.G. Balakrishnan

Residence: 5, Tughlak Road, New Delhi - 110 011 India

To

Shri Omar Abdullah,
Chief Minister
Govt. of Jammu & Kashmir, Secretariat,
SRINAGAR - 190 001
3. Video-filming and photography of post-mortem examination should be done in the following manner:

i) At the time of video-filming of the post-mortem examination the voice of the doctor conducting the post-mortem should be recorded. The doctor should narrate his prima-facie observations while conducting the post-mortem examination.

ii) A total of 20-25 coloured photographs covering the whole body should be taken. Some photographs of the body should be taken without removing the clothes. The photographs should include the following:

   a) Profile photo-face (front, right lateral and left lateral views), back of head.
   b) Front of body (up to torso-chest and abdomen) - and back
   c) Upper extremity - front and back
   d) Lower extremity - front and back
   e) Focusing on each injury/lesion-zoomed in after properly numbering the injuries*
   f) Internal examination findings (2 photos of soles and palms each, after making incision to show absence/evidence of any old/deep seated injury).

* In firearm injuries while describing, the distance from heel as well as midline must be taken in respect of each injury which will help later in reconstruction of events.

iii) Photographs should be taken after incorporating post-mortem number, date of examination and a scale for dimensions in the frame of photographs itself.

iv) While taking photographs the camera should be held at right-angle to the object being photographed.

v) Video-filming and photography of the post-mortem examination should be done by a person trained in forensic photography and videography. A good quality digital camera with 10X optical zoom and minimum 10 mega pixels should be used.
Sub: Guidelines for video-filming and photography of post-mortem examination in case of death in police action

In case of deaths in police action while conducting post-mortem examination of the deceased photographs of the deceased should be taken and the post-mortem examination of the deceased should be video filmed. The video film and photographs should be sent to the Commission. The aim of video-filming and photography of post-mortem examination should be:-

i) to record the detailed findings of the post-mortem examination, especially pertaining to marks of injury and violence which may suggest custodial torture.

ii) to supplement the findings of post-mortem examination (recorded in the post-mortem report) by video graphic evidence so as to rule out any undue influence or suppression of material information.

iii) to facilitate an independent review of the post-mortem examination report at a later stage if required.

2. The following precautions should be taken before conducting post-mortem examination:

i) Both hands of the deceased need to be wrapped in white paper bags before transportation. The dead body afterwards should be covered in special Body Bags having zip pouches for proper transportation.

ii) Clothing on the body of the deceased should not be removed by the police or any other person. It should be collected, examined as well as preserved and sealed by the doctor conducting the autopsy, and should be sent for further examination at the concerned forensic science laboratory. A detailed note regarding examination of the clothing should be incorporated in the post-mortem examination report by the doctor conducting the autopsy.

iii) In case of alleged firearms deaths, the dead body should be subjected to radiological examination (X-rays/ CT Scan) prior to autopsy.