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The Supreme Court cracked down on the rise in fake encounter killings by the police, ruling in a writ petition filed by the People's Union for Civil Liberties (PUCL). PUCL had questioned the genuineness of 99 encounters by the Mumbai police resulting in the death of about 135 persons between 1995 and 1997.

The Supreme Court bench of Chief Justice of India (CJI) RM Lodha and Justice Rohinton Nariman, issued a 16-point guideline "to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation".

Notably, the court said that investigations into any police killings with guns must be undertaken by experienced state CID or another police station, and magistrate and state Human Rights Commission or the National Human Rights Commission must be alerted in any such case.

The guidelines are as follows:

1. Tip-offs about criminal activities must be recorded either in writing or electronic form
2. If pursuant to a tip-off the police uses firearms and this results in death of a person, then an FIR initiating proper criminal investigation must be registered
3. Investigation into such death will be done by an independent CID team which has to fulfil eight minimum investigation requirements

4. Mandatory magisterial inquiry into all cases of encounter deaths
5. The NHRC or State commission must be immediately informed of the encounter death
6. Medical aid to injured victim/criminal and a magistrate should record his statement
7. Ensure forwarding FIR and police diary entries to court without delay
8. Expeditious and proper trial
9. Informing next of kin of the dead alleged criminal
10. Bi-annual statements of all encounter killings to be sent to the NHRC and state commissions by a set date in a set format
11. Disciplinary action against and suspension of a police officer found guilty of wrongful encounter
12. Compensation scheme under the CrPC to be followed for awarding it to kin of dead victim
13. Police officers must surrender their weapons for investigation, subject to rights under Article 20 of the Constitution
14. Also intimate family of accused police officer and offer services of lawyer/counsellor

15. No out of turn gallantry awards for the officers involved in encounter killings

16. The family of the victim can complain to the Sessions judge if it feels that these guidelines have not been followed. the judge will take cognizance

<http://www.legallyindia.com/201409235082/Bar-Bench-Litigation/sc-guidelines-to-prevent-fake-encounter-killings>