

MOST IMMEDIATE

No.11026/03/2015-PMA
Government of India
Ministry of Home Affairs
(Grih Mantralaya)
Police Division-I

New Delhi dated the 19th October, 2015.

To

1. Chief Secretaries/ Administrators of all States/UTs
2. Home Secretaries/ DsGP/ CsP of all States/UTs
3. Head of all CPOs/ CAPFs
4. Directors, IB and CBI.

Sub: Instructions for recommendation for the award of President's Police Medal for Gallantry and Police Medal for Gallantry.

Sir,

I am directed to refer to this Ministry's letter No. 11026/07/2006-PMA dated 9th May, 2006 vide which instructions for recalling recommendation for the award of President's Police Medal for Gallantry and Police Medal for Gallantry were circulated. Recently, the Hon'ble Supreme Court of India vide its judgment dated 23/09/2014, in Criminal Appeal No.1255 of 1999 titled People's Union for Civil Liberties & Anr V/s State of Maharashtra & others has issued the guidelines regarding holding of Magisterial enquiry in the cases of death occurred in police firing. (extract attached). The Hon'ble Supreme Court has directed that the requirements/norms must be strictly observed in all cases of death and grievous injury in police encounters by treating them as law declared under Article 141 of the Constitution of India.

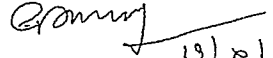
2. It is therefore requested that the guidelines of the Hon'ble Supreme Court of India must be strictly adhered to. A copy of Magisterial Inquiry in all cases of death and grievous injury in police encounter must be sent with the proposal. In gallantry cases, the date of birth and father's name of the recommendee is also required.

3. Keeping in view the above requirement, the prescribed proforma has been revised. While sending the proposal for award of President's Police Medal for Gallantry/Police Medal for Gallantry, the requisite information must be sent in revised proforma, prescribed for award of gallantry medal (copy enclosed).

4. The other instructions will remain the same as contained in this Ministry's letter No. 11026/07/2006-PMA dated 9th May, 2006.

Encls:-As above.

Yours faithfully,



(G.C. Yadav)

Deputy Secretary(Police)

Tele: 23093256

The following requirements 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:

- (1) Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal Offence, it shall be reduced into writing in some form (preferably into base diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing details of the suspect or the location.
- (2) If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay. While forwarding the report under Section 157 of the Code, the procedure prescribed under Section 158 of the Code shall be followed.
- (3) An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter). The team concluding inquiry/investigation shall at a minimum, seek:
 - (a) To identify the victim colour photographs of the victim should be taken;
 - (b) To recover and preserve evidentiary material, including blood-stained earth hair, fibers and threads, etc., related to the death;
 - (c) To identify scene witnesses with complete names, addresses and telephone number and obtain their statements (including the statements of police personnel involved) concerning the death;
 - (d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and time of death as well as any pattern or practice that may have brought about the death;

- (e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;
 - (f) Post-mortem must be conducted by two doctors in the District Hospital, one of them; as far as possible, should be In-charge/Head of the District Hospital. Post-mortem shall be video-graphed and preserved;
 - (g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed.
 - (h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.
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- (4) A Magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to Judicial Magistrate having jurisdiction under Section 190 of the Code.
 - (5) The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident without any delay must be sent to NHRC or the State Human Rights Commission, as the case may be.
 - (6) The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.
 - (7) It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch, etc., to the concerned Court.
 - (8) After full investigation into the incident, the report should be sent to the competent court under Section 173 of the Code. The trial, pursuant to the chargesheet submitted by the Investigating Officer, must be concluded expeditiously.
 - (9) In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.

- (10) Six monthly statements of all cases where deaths have occurred in police firing must be sent to NHRC by DGPs. It must be ensured that the six monthly statements reach to NHRC by 15th day of January and July, respectively. The statements may be sent in the following format along with post mortem, inquest and, wherever available, the inquiry reports:
- (i) Date and place of occurrence.
 - (ii) Police Station, District.
 - (iii) Circumstances leading to deaths:
 - (a) Self defence in encounter.
 - (b) In the course of dispersal of unlawful assembly.
 - (c) In the course of affecting arrest.
 - (iv) Brief facts of the incident.
 - (v) Criminal Case No.
 - (vi) Investigating Agency.
 - (vii) Findings of the Magisterial Inquiry/Inquiry by Senior Officers:
 - (a) Disclosing, in particular, names and designation of, police officials, if found responsible for the death; and
 - (b) Whether use of force was justified and action taken was lawful.
- (11) If on the conclusion of investigation the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence under the IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.
- (12) As regards compensation to be granted to the dependants of the victim who suffered death in a police encounter, the scheme provided under Section 357-A of the Code must be applied.
- (13) The police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.
- (14) An intimation about the incident must also be sent to the police officer's family and should- the family need services of a lawyer / counselling, same must be offered.

- (15) No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/recommended only when the gallantry of the concerned officers is established beyond doubt.

- (16) If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as above mentioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the concerned Sessions Judge shall look into the merits of the complaint and address the grievances raised therein.

The above guidelines will also be applicable to grievous injury cases in police encounter, as far as possible.

Part-B

1. Composition of police party
(Which will include all forces, which participated)

Sl. No.	Name of Forces	Name and rank of persons who participated
1.		
2.		

2. Police personnel participated but not recommended –

Sl. No.	Name of Forces	Name and rank of persons who participated	Reasons for not recommending
1.			
2.			

3. Name of persons including posthumous recommendees if killed in action -

Sl.No.	Recommendees	Non recommendees

4. Name of persons injured -

Sl.No.	Recommendees	Not recommendees

5. Recoveries made: -

6. Rewards & other-

Categories	Name of person awarded	Amount, if any
Cash rewards of Rs...		
Commendations		
Appreciations		
Good Service Entries		

Signature of the Recommending Authority

Part -C

Details of Recommendees

6. Is there any court case/judicial /magisterial proceedings with reference to the operations in question? Yes

No

If yes, its status as on date _____

7. Is the recommendee(s) involved in any disciplinary case- Yes

No

If yes, specify details

8. Is the recommendee(s) ever proceeded with any punishment -

Yes

No

If yes, specify details

Part-D

Reasons for delay, if any-

(In case of proposal is made after one year from the date of incident)

Part-E Citation

A brief account of gallant action:-

(Not more than 400 words)

Signature of recommending Authority

:

PART-F

*In case of Joint operation, comments from other participating forces taken.

Yes

No

In case of 'No' why?

*Reasons for not recommending other including personnel of other forces who participated

Check List

1.	FIR enclosed	Yes	No
2.	Post Mortem Report enclosed	Yes	No.
3.	First Sitrep enclosed	Yes	No
4.	Medical documents enclosed	Yes	No
5.	Injury Report enclosed	Yes	No
6.	Exhibits etc enclosed	Yes	No
7.	Magisterial Inquiry	Yes	No
8.	Integrity certificate enclosed	Yes	No

Signature of the Recommending Authority

Name

Designation

Signature

Date

