

WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27

File No. 1331/WBHRC/COM/2012-13

P r e s e n t

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N. C. Sil - Member
3. Shri S. N. Roy - Member

In terms of the Hon'ble Calcutta High Court's order dated 7.9.2012 in W.P. No. 14949(W) of 2010 (Mahesweta Devi & Anothers. –Vs. - State of West Bengal & Ors.), the Hon'ble Court has been pleased to transfer the said Writ Petition to the West Bengal Human Rights for conducting necessary enquiry and for submitting the recommendations to the State of West Bengal, so that the security forces / Police authorities will have guidelines in handling of dead bodies of victims in deaths caused by police encounters.

The Commission considered the matter and took the evidence of Shri Naparajit Mukherjee, IPS, Director General & I.G.P., West Bengal in order to take his suggestions. The Director General & I.G.P., West Bengal in his statement dated 29.11.2012 has indicated the standard operating procedure for removal of corpses.

After due deliberations and consideration of the material on records, the Commission recommends the following guidelines for the process of removal of Corpses / dead bodies from the site of encounter, etc. :-

1. The dead bodies should be treated in a dignified manner relating to the carrying of dead body and cremation thereafter.
2. The concerned police authority while retrieving/ carrying the dead bodies from the site of encounters should arrange mortuary van / trucks / vans, for the transportation of the corpse(s).
3. Where the place of occurrence is not accessible by road, it is difficult to remove the corpses / dead bodies by vehicles. In such cases, arrangement should be made to carry the dead bodies manually.
4. The dead body should be wrapped in a waterproof sheets or plastic sheets. The duly marked plastic sheets / bags should be arranged,
5. Utmost care and sensitivity should be displayed to pay respect for the bodies so that the treatment meted out to them should be in tune with the standards of civilized society consistent with the Human Rights of the deceased.

The State Government is requested to inform this Commission about the action taken on the basis of the recommendations within a period of two months from the date of communication.

sd/-
(S.N. Roy)
Member

sd/-
(Justice N.C. Sil)
Member

sd/-
(Asok Kumar Ganguly)
Chairperson

Dated: Kolkata, 20th December, 2012.

Comments of the State Government will be uploaded as and when received.

Sd/- (20/12/2012)
(J. Sundara Sekhar)
Secretary & CEO