

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF HEALTH AND FAMILY WELFARE
9TH FLOOR, A-WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI - 110002

No. Vig/H&FW (112248262)/2013/1115-32

Dated: 06/02/2015

Guidelines for constitution of medical board for conduct of post-mortem examination

In order to streamline the process of constitution of medical board for conduct of post mortem examination (PME) and with the aim to expedite the process by reducing the number of layers of decision making involved, the following procedure will henceforth be followed depending upon the circumstances in which PME is to be conducted and medical board is to be constituted:-

A. POST MORTEM EXAMINATION UNDER SECTION 176 OF Cr PC :

Procedure for constitution of medical board for conduct of post-mortem examination under section 176 of Cr PC has been streamlined by the Department of Health & Family Welfare, Government of NCT of Delhi vide its order dated 24/09/2013 (Annexure A) and as per this order, district wise medical jurisdiction stands assigned to medical colleges / teaching institutions in order to optimally utilize their resources for qualitative outcome of postmortem examination required to be conducted in exceptional cases.

B. POST MORTEM EXAMINATION IN OTHER CASES:

In other cases, post-mortem examination by a single doctor, qualified and duly authorized for the purpose in the hospital having jurisdiction for the case, (as per notifications of the Home Department issued from time to time), will continue to be the norm where the Investigating Officer (I.O.) shall directly approach the hospitals for conduct of post-mortem examination without routing through the Police Headquarters (PHQ), Home Department or Health Department. Medical board, as matter of rare exception, will be constituted only if the circumstances of death being highly suspicious and public interest warrants so, and wherever such exceptions have to be made, reasons shall be recorded by the District Police head as to why post-mortem by a single doctor, though qualified and competent for the purpose, may not serve the purpose of criminal jurisprudence, except for the death cases mentioned in C (i) and C (ii) below which, in any case, are mandatorily required to be dealt by duly constituted medical board only. Such requests in exceptional cases will come to the designated hospitals or H&FW Department as per the procedure described hereinafter.



C. POST MORTEM EXAMINATION IN EXCEPTIONAL CASES:-


(i) **Death in Police custody or Police encounters:** In all such cases the prevailing procedure for constitution of medical board will be followed. The IO through the District Police will initiate the request for constitution of medical board to the Police Headquarters and subsequently it will send to the Home Department which will send it to the Health & Family Welfare Department. The Health & FW Department thereupon, will constitute a medical board of at least three doctors who should not be from the same medical institutions/teaching hospitals, as per Annexure A.

(ii) **Death in Judicial Custody (i.e, Jail, Remand Home, etc) :-** This category will be further divided into two sub-categories i.e. Natural and Un-natural death:-

a) **Death of a person due to natural causes of illness while in judicial custody:** In all such cases, where death is documented to be due to illness as per records of the hospital or the treating Medical Officer, IO/SHO/Inquesting Officer (or Magistrate) will directly approach the HOD of the Department of Forensic Medicine of the concerned hospital as per the notifications of the Home Department issued from time to time. A copy of request in all such cases will be invariably sent to PHQ, Home Department and Health & Family Welfare Department for information and record. There will not be any requirement that the post-mortem will be conducted only in one of five teaching institutions as per Annexure A. It will be conducted in any of the hospitals having jurisdiction as per the concerned Police Station as explained above.

b) **Case of suspected un-natural death in judicial custody:** In view of the extraordinary and sensitive nature of such cases, as those of suspected suicide, murder etc, a request will be sent to the H&FW Department for constituting medical board. For this purpose, the IO/SHO/Inquesting Officer (or Magistrate) will send the request directly to H&FW Department. A copy of the request will be invariably sent to PHQ and Home Department for information and record.

(iii) **Death due to medical negligence:** In all such cases, sufficient and explicit grounds should be spelt out by the District Dy./ Addl. Commissioner of Police while recommending the constitution of medical board. The request will come directly to the Health & Family Welfare Department. Copy of the request will be invariably sent to the PHQ and the Home Department for information and record. The Health & FW Department, upon receipt of the request and after duly considering the need for constitution of medical board, will authorize the HOD of Forensic




Medicine of the concerned teaching institution (Annexure A) to constitute it. Due care will be taken not to assign the board to the same hospital or institution where the alleged medical negligence has taken place.

D. VIDEOGRAPHY / PHOTOGRAPHY OF POST MORTEM EXAMINATION :

Wherever there is need as per guidelines and instructions issued by a competent body such as courts or of the National Human Right Commission (NHRC) for video recording and still photography of post-mortem examination, the I.O. will make necessary arrangements in this regard. The guidelines and format issued by NHRC in this regard have been separately circulated to all concerned vide No. 342/MH-126/H&FW/2013/265-85 dated 13.01.2015.


The above guidelines and directives are issued with the approval of the Hon'ble Lt. Governor, Delhi.

Encl.: Annexure A


(S.B. Shashank)
Spl. Secretary (Health)

Copy to:- NO Vig / H&FW (112248262) / 2013/1115-32

1. Pr.Secretary to Lt. Governor, Delhi
2. Pr.Secretary(Home), Home Department, Delhi Secretariat, I.P.Estate, New Delhi.
3. Commissioner of Police, Police Head Quarter, MSO Building, I.P.Estate, New Delhi.
4. Registrar General, Delhi High Court
5. Principal District & Sessions Judges, Tis Hazari - with request to circulate to all Metropolitan Magistrates/CMMs in Delhi
6. Jt.Secretary(UT), MHA, GOI
7. Jt.Secretary(Hospitals), Ministry of Health & Family Welfare, GOI
8. Pr.Secretary, Social Welfare, GNCTD
9. Pr. Secretary (Law), GNCTD
10. Director General (Prisons), GNCTD
11. Medical Supdts., of concerned govt. hospitals in NCT of Delhi
12. HOD, Forensic Medicine, AIIMS, Ansari Nagar, New Delhi through Director, AIIMS
13. HOD, Forensic Medicine, MAMC, Bahadur Shah Zafar Marg, New Delhi-110 002 through Dean, MAMC.
14. HOD, Forensic Medicine, UCMS & GTB Hospital, Dilshad Garden, Delhi through Principal, UCMS.
15. HOD, Forensic Medicine, Lady Hardinge Medical College through Principal, LHMC.
16. HOD, Forensic Medicine, Vardhaman Medical College/Safdarjung Hospital, New Delhi through Principal Vardhaman Medical College/Safdarjung Hospital
17. OSD to Chief Secretary, Delhi Secretariat, I.P.Estate, New Delhi-2.
18. PA to Secretary (Health), H&FW Department, Delhi Secretariat, IP Estate, New Delhi-2.


(S.B. Shashank)
Spl. Secretary(Health)

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT**

9TH FLOOR 'A' WING, DELHI SECRETARIAT, NEW DELHI-110 002

No.F.25/08/Misc.Corresp./2011/H&FW 5828-38

Dated: 24-09-13

ORDER


By the orders of the Lt. Governor, National Capital Territory of Delhi, district-wise jurisdiction of the medical colleges/hospitals as mentioned hereunder is made for the purpose of constitution of medical boards for conduct of post-mortem in such medical colleges/hospitals of Delhi:-

S.No.	Name of the Medical College /Hospital for constituting Medical Board	District
1.	Maulana Azad Medical College and associated Lok Nayak Hospital, New Delhi-110 002.	Central, North, Outer
2.	Lady Hardinge Medical College, New Delhi-110 001.	New Delhi, West
3.	University College of Medical Sciences and associated G.T.B. Hospital, Delhi	East, North-East
4.	All India Institute of Medical Sciences, New Delhi	South, South-East
5.	Vardhman Mahavir Medical College/ Safdarjung Hospital, New Delhi	South-West, North-West

2. The procedure to be followed in this regard will be that on receipt of request from Delhi Police through the Home Department, the Health Department will send the authorization letter to the Head of Department of the Forensic Medicine of the concerned Medical College/Hospital depending upon the district to which the case pertains and based on that authorization, the HOD, Forensic Medicine Department of that hospital will constitute medical board from among the faculty of that medical college/hospital.

3. However, for the cases of extraordinary and sensitive nature such as custodial/ encounter deaths etc. the Health Department, on receipt of request from Delhi Police/Home Department, will constitute medical board consisting of doctors drawn from different hospitals.

This arrangement will come into force with immediate effect.

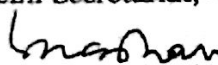

(S.B. Shashank)
Spl. Secretary (H&FW)

No.F.25/08/Misc.Corresp./2011/H&FW/5828-38

Dated: 24-09-13

Copy to:-

1. Pr. Secretary (Home), Home Department, 5th Level, C-Wing, Delhi Secretariat, I.P. Estate, New Delhi.
2. Commissioner of Police, Police Head Quarter, MSO Building, I.P. Estate, New Delhi.
3. Pr. Secretary to Lt. Governor, Delhi
4. Pr. Secretary to Chief Minister, Delhi
5. HOD, Forensic Medicine, AIIMS, Ansari Nagar, New Delhi through Director, AIIMS
6. HOD, Forensic Medicine, MAMC, Bahadur Shah Zafar Marg, New Delhi-110 002 through Dean, MAMC.
7. HOD, Forensic Medicine, UCMS & GTB Hospital, Dilshad Garden, Delhi through Principal, UCMS.
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10. OSD to Chief Secretary, Delhi Secretariat, I.P. Estate, New Delhi-2.
11. PA to Secretary (Health), H&FW Department, 9th Level A Wing, Delhi Secretariat, IP Estate, New Delhi-2.


(S.B. Shashank)
Spl. Secretary (H&FW)