

(1989) 01 SC CK 0025

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No. 406 of 1986

Jagat Singh

APPELLANT

Vs

Delhi Administration and Others

RESPONDENT

Date of Decision : 24-01-1989

Acts Referred:

Citation : (1989) 2 SCALE 767 : (1989) 2 SCC 100 Supp

Hon'ble Judges : Sabyasachi Mukharji, J; S. Ranganathan, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. This is a Public Interest Litigation complaining about the manner in which Post Mortem examinations are conducted in Delhi. One of the grievances raised by the counsel for the petitioner is that the post mortem examinations are conducted by Junior Medical Assistants or graduates without experience.

2. It is desirable that post mortem examinations should be conducted by the Medical Officers attached to the Department of Forensic Sciences in the All India Institute of Medical Sciences, New Delhi, or persons holding equivalent positions in respect of conducting post mortem within local limits of Delhi. This would be in consonance with the notification of the Government of India dated 16.5.1969. This procedure should be followed wherever possible. It is also indicated in the communication dated 6.1.1988 by the Principal of Lady Harding Medical College & Smt. Sucheta Kripalani Hospital, New Delhi that resident doctor alongwith Senior Member of the rank of Professor/Assistance Professor or Assistant Professor working in the Department of Forensic Science and having requisite qualification, should conduct the Post-Mortem examinations. This should be done. If more than one person conduct the Post-Mortem examinations, it is desirable that all such persons should sign the Post-Mortem report. The Medical Officer should always sign the Post-Mortem reports.

3. Dead bodies from other States should not be brought to Delhi for Post-Mortem

examinations, except in accordance with or pursuant to the orders either of the Sub-Divisional Magistrate or Magistrate or in accordance with law.

4 There must be uniform pattern of proforma of results of the Post-Mortem examinations and the respondents should approach All India Medical Council to prepare a proforma for Post-Mortem examination, which can be applicable in all these cases and that the proforma followed by the All India Institute of Medical Sciences may be taken into consideration to be made the proforma. The Delhi Administration should also take steps in the aforesaid matter.

5. With these observations the writ petition is disposed of. In this writ petition there are certain other grievances of non-compliance in certain specific cases of not following the directions of the High Court and other courts in connection with C.B.I. enquiry report or investigation. In such specific cases, if the petitioner has any grievances, the petitioner will have right to seek remedy in the appropriate courts, in accordance with law.

6. In the light of the aforesaid, the notice for contempt is discharged.