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Court to frame guidelines on encounter deaths

Propriety of media briefing by police during investigation to be examined

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NEW DELHI: Expressing serious concern over the increasing incidents of encounter deaths in the country, the Supreme Court has said it proposed to frame guidelines to be followed by all the States and Union territories whenever encounter deaths take place.

A Bench of Justice Dalveer Bhandari and Justice H.S. Bedi issued notice to the Centre, all States and Union territories seeking their response on the proposed guidelines.

The Bench passed this order on a petition filed by the People's Union for Liberties, Mumbai, highlighting several fake encounters by the Mah-

arashtra police.

The Bench also said that it would examine the propriety of police officers briefing the media on the progress of the investigation of a particular case and directed the listing of the matter after four weeks.

The PUL filed a writ petition in the Bombay High Court alleging that a large number of people had been killed in fake encounters.

The High Court, while dismissing the petition, gave detailed guidelines to the police to be followed mandatorily in cases of police encounters. Aggrieved against this judgment, the petitioner filed the present appeal in the apex

court.

The Bench, in its interim order, said, "counsel for the petitioner, Prashant Bhushan, filed in the court a draft of guidelines which contains the guidelines issued by the High Court, National Human Rights Commission and also the suggestions proposed by him. Looking at the gravity of the matter, we deem it appropriate that before issuing the final directions/guidelines regarding police encounters, this Court must hear the Union of India, States and Union Territories."

The order said: "We direct notices be sent to the Home Secretaries of Union of India,

States and Union Territories. Draft guidelines submitted by Mr. Prashant Bhushan shall be circulated. Looking at the importance of the matter, we would like Solicitor-General or Additional Solicitor-General to assist the Court. We also request all the parties to address the court on the aspect of the propriety of the police officers/Investigating Officers appearing/briefing the media in a criminal case which is pending investigation."

The draft guidelines included the following:

No out-of-turn promotion, cash award or gallantry reward shall be bestowed on the officers concerned pursu-

ant to their role in an encounter as this may be an incentive for officers to conduct encounters.

Whenever the police are in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offences, it shall be entered into a case diary.

Where the police officers belonging to the same Police Station are members of the encounter party, whose action resulted in deaths, it is desirable that such cases are made over for investigation to some other independent investigating agency such as State CBCID.