

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14559 of 2023

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In re-handling of Dead Bodies based on the news report published on the web portal dated 08.10.2023

... .. Petitioner/s

Versus

1. Union of India
2. Ministry of Homes, Govt. Of India, New Delhi.
3. Ministry of Railway, Govt. Of India, New Delhi.
4. Director General, Railway Protection Force, New Delhi.
5. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Patna.
6. The Principal Secretary (Home) Govt. Of Bihar, Patna.
7. The Director General of Police, Bihar, Patna.
8. Additional Chief Secretary, Department of Health, Govt. Of Bihar, Patna.
9. Principal Secretary, Department of Transport, Govt. Of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr. P. K. Shahi, AG Mr. Amish Kumar, Advocate Mr. S. Kumar, Advocate
For the UOI	:	Dr. K. N. Singh, ASG Mr. Abhijeet Gautam, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2024

This is a *suo moto* public interest litigation taken up on the basis of a video circulated in the social media of police personnel having disposed of the dead body of a victim of road accident, in the river. After the video went viral, the Police retrieved the dead body and later sent it for post mortem examination, but however, certain parts of the body were not



recovered. We had taken up the matter *suo moto* especially highlighting the callous attitude displayed and the requirement to bestow more respect and dignity in disposal of the dead bodies. We had also appended a copy of the Advisory for Upholding the Dignity and Protecting the Rights of the dead brought out by the National Human Rights Commission in India as a guideline.

2. A counter affidavit was filed by the Inspector General of Police admitting that the incident portrayed in the video had actually happened. A Sub-Inspector of Police, a Constable, who was driving the vehicle and two Home-guards were said to be the police personnel connected with the incident. All the police personnel were kept under suspension. It was also pointed out that the Director General of Police, Bihar, had issued a detailed order regarding handling of dead bodies vide memo No. 830/Human Right Cell, dated 07.04.2016. This has been followed up with a memo issued by the Home Department bearing Memo No. 2889 dated 15.05.2021. The said guidelines; immediately after the incident and the institution of this PIL, was shared with the Director General, Homeguards, Director General, Training and Director, Bihar Police Academy by memo No. 2216/L.C. dated 30.10.2023.

3. Later, the Senior Superintendent of Police,



Muzaffarpur, also filed an affidavit pointing that the Sub-Inspector and the Driver Constable after being placed under suspension was proceeded against by separate departmental inquiries. The Home-guards nomination to serve as a home-guard was cancelled.

4. The Additional Director, Health, has also filed an affidavit dated 10.01.2024 wherein it has been stated that by communication dated 20.10.2023 bearing Memo No. 2429(18), the Health Department has issued advisory to all the Departments to comply with the guidelines issued by the National Human Rights Commission dated 14.05.2021, in disposal of dead bodies; upholding the dignity and protecting the rights of the dead. The various communications issued to the Departments have also been annexed.

5. A further affidavit dated 16.01.2021 has been filed by the Additional Superintendent of Police, Muzaffarpur, wherein the result of the disciplinary proceedings have been stated. The Sub-Inspector, who was proceeded with, was found to have been negligent in discharge of his duties, who also has been punished with three black marks and withholding of two increments with cumulative effect for two years under the Bihar Government Servant (Classification, Control and Appeal) Rules



2005; a major penalty. As far as the proceedings against the driver constable, it has been stated he was found not responsible for the incident and he has been exonerated.

6. We would only caution the State and its officials to bestow more respect and more dignity in disposal of dead bodies and comply with the guidelines now adopted by the State scrupulously. The writ petition is disposed of accepting the reports filed, adopting the guidelines issued by the National Human Rights Commission.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	06.02.2024
Transmission Date	

