

D.K.Basu Guidelines on Custodial Torture

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The recent death following alleged custodial torture of father and son in Tamil Nadu has put the spotlight back on the D.K.Basu judgement of 1996, which dealt with the **guidelines to be followed by detaining authorities for any arrest**. Since the D K Basu case, the apex court has issued eight more orders dealing with custodial violence, the last in 2015 on a miscellaneous petition filed by amicus curiae Singhvi, to enforce the implementation of the 1996 judgment.

Guidelines on Custodial Torture

- **The police personnel** carrying out the arrest and handling the interrogation of the arrestee should **bear accurate, visible and clear identification and name tags with their designations**. The particular of all such personnel who handle interrogation of the arrestee must be recorded in a register.
- The police officer carrying out the arrest shall prepare a **memo of arrest at the time of arrest and such memo shall be attested by at least one witness**, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made.
- A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock up, **shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed**, as soon as practicable, that he has been arrested and is being detained at the particular place.
- **An entry must be made in the diary at the place of detention** regarding the arrest of the person which shall

also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

- The arrestee should, where he requests, be also **examined at the time of his arrest and major and minor injuries, if any present on his/ her body, must be recorded at that time.** The Inspector Memo must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
- The arrestee should be **subjected to medical examination by a trained doctor every 48 hours during his detention in custody** by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. The Director should also prepare such a panel for all tehsils and districts as well.