

(107)

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIRECTOR GENERAL OF POLICE
MEGHALAYA :: :: SHILLONG

CIRCULAR No. 03/2020

It is hereby instructed that all District Superintendents of Police should henceforth, ensure that the fundamental right of a person as enshrined in Article 21 of the Indian Constitution should not be infringed upon by police officials, especially those pertaining to life and liberty of a person under their custody, except according to procedure established by law.

In Smt. Nilabati Behera Alias Lalit vs State of Orissa And Ors, the Hon'ble Supreme Court of India held that **"it is an obligation of the State, to ensure that there is no infringement of the indefeasible rights of a citizen to life, except in accordance with law while the citizen is in its custody."**

Furthermore, the freedom of speech protected under Article 19 (1) (a) of the Indian Constitution has to be carefully and cautiously used, so as to ensure that, persons under police custody are not subjected to investigation/trial by media fraternity as it not only violates the basic tenets of Human Rights but also interferes with the administration of justice.

In Manu Sharma vs State (NCT of Delhi) the Hon'ble Apex Court held that **"it is not only desirable but least that is expected of the persons at the helm of affairs in the field, to ensure that trial by media does not hamper fair investigation by the investigating agency and more importantly does not prejudice the right of defence of the accused in any manner whatsoever."**

Pre-trial publicity is injurious to the health of a fair trial, as it undermines the criminal justice system on one hand and on the other, impedes with the fundamental right to fair trial of the person under police custody. Police officials should secure and guarantee the fundamental rights of a person under their custody and hence, should not perform any act which is contrary to the established rules and procedures.

In view of the above facts and circumstances, it is reiterated that strict compliance of the circular should be adhered with by all the Superintendents of Police and the circular should also be circulated to all the police officials discharging duties at the grass root level for compliance.

Sd/-
Director General of Police,
Meghalaya, Shillong.

1. The Director General of Police, Meghalaya, Shillong, for favour of kind information.
2. The Addl. Director General of Police (L&O/TAP), (SB/CID), Meghalaya, Shillong, for favour of kind information.
3. The Inspector General of Police, (A/HQ/F&ES/C), Meghalaya, Shillong, for favour of kind information.
4. The Deputy Inspector General of Police (Security), (SB), (Traffic),(ER), (WR), (CID), (A), (Trg.) Meghalaya, Shillong/(Tura), for favour of kind information.
5. The Director SCRB, Meghalaya, Shillong, for favour of kind information.
6. The Asstt. Inspector General of Police (R), (E), Meghalaya, Shillong, for favour of kind information.
7. The Spl. Superintendent of Police (CID), (SB-I), (SB-II), Meghalaya, Shillong, for favour of kind information and necessary action.
8. The Superintendents of Police (F&ES), (VIS), (Anti-Infiltration), (EOW), (R&PR), (Communication), Meghalaya, Shillong, for favour of kind information and necessary action.
9. The Superintendents of Police, East Jaintia Hills, Khliehriat/West Jaintia Hills, Jowai/Ri-Bhoi,Nongpoh/East Khasi Hills,Shillong/West Khasi Hills, Nongstoin/South West Khasi Hills, Mawkyrwat/North Garo Hills, Resubelpara/East Garo Hills, Williamnagar/South Garo Hills, Baghmara/West Garo Hills, Tura/South West Garo Hills, Ampati, for favour of kind information and necessary action.
10. The Commandants 1st MLP Bn., Mawiong/2nd MLP Bn., Goeragre/3rd MLP Bn., Sahbsein/4th MLP Bn., Sohpien/5th MLP Bn., Samgong/6th MLP Bn., Umran/SF-10, Shillong, for favour of kind information and necessary action.
11. The Principal, Police Training School, Meghalaya, Umran, for favour of kind information and necessary action.


Asstt. Inspector General of Police (A)
Meghalaya, Shillong.