



National Human Rights Commission, New Delhi, India

Case Details of File Number: 48/9/4/08-09-AD

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| Diary Number | 66103 |
| Name of the Complainant | SUHAS CHAKMA, DIRECTOR, NATIONAL CAMPAIGN FOR PREVENTION OF |
| Address | R/O C-3/441-C, JANKAPURI, NEW DELHI WEST DELHI , DELHI |
| Name of the Victim | ABDUL LATIF MALIK |
| Address | R/O DHAROTE DODA , JAMMU & KASHMIR |
| Place of Incident | DHAROTE DODA , JAMMU & KASHMIR |
| Date of Incident | 6/7/2008 |

Direction issued by the Commission

These proceedings shall be read in continuation with the earlier proceedings. The Commission received a complaint dated 31/12/05 from Sh. Suhash Chakma of an N.G.O. The complaint relates to death of one Abdul Latif Malik allegedly in custody of J&K Police on 7/6/08. The police version is that Abdul Latif was picked up on the basis of some information of his involvement in subversive activities. He admitted his association with Lashkar- e-Toba. While he was being taken to a hideout, he jumped from a hill top, injuring himself. On the other hand, his father's version is that his son was taken away to an isolated place and later killed. He has prayed for enquiry, compensation etc. Vide proceedings dated 12/12/08 the Commission considered the report from DGP (J&K) and a Magisterial enquiry report which revealed that Abdul Latif was arrested on 7/6/08 in connection with a CrI. Case 81/07 u/s 302/307 IPC and during search for explosives devices in a jungle, he jumped from a height and got injuries. He was rushed to Doda Hospital where he expired. For this incident a case 68/08 u/s 309 IPC was registered and the same is under investigation. Magisterial enquiry report further revealed that though Abdul Latif had no connection with militants but he died because of militancy related incident. Post mortem report referred in the report states of 12 injuries on his person. The Magisterial enquiry, recommended for grant of ex-gratia relief to the next of kin of the deceased. The Commission observed that :- "The matter being of custodial death, it is considered necessary for the Commission to call for an explanation from the DM & SSP, Doda for not reporting the same to the Commission in view of the guidelines issued by the Commission. About ex-gratia relief recommended by the Magistrate, a report may be called." Pursuant to the aforesaid observation and communication dated 22/12/08 the Commission received a reply dated 4/01/09 from District Magistrate Doda (J&K). The report mentions that as regards the issue of reporting of the said incident to the Commission, it is submitted that the guidelines of the Commission are not coming forth from the records of their office and accordingly it is requested that a copy of the same may kindly be made available for future guidance. On the issue of ex-gratia case of the deceased Abdul Latif Malik, the same has been approved during the District Level Screening and Coordination Committee meeting held on 02/01/09 for grant of ex-gratia relief of Rs.1.00 lakh in favour of the NOKs/Legal heirs of the said deceased. The Commission has also received the report dated 20/3/09 from SSP Doda (J&K) which reveals that inquest was not initiated and the viscera report was not sent as viscera was not sent to FSL Jammu. The Commission has already received the Postmortem report, medical examination report and magisterial enquiry report. The Commission has considered the report and directs District Magistrate Doda (J&K) to submit further report within four weeks as to whether the ex-gratia relief of Rs.1.00 lakh in favour of the NOKs/Legal heirs of the deceased Abdul Latif Malik had been paid to the NOKs/Legal heirs.

Registry is also directed to send a copy of the relevant guidelines of the Commission to District Magistrate Doda (J&K).

Action Taken

Additional Information Called for (Dated 7/16/2009)

Status on 9/11/2009

Response from concerned authority is awaited.

Note: For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in**

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