

FC-16/245

UPC

Assistant Registrar(LAW)

Case No. 55/9/2003-2004-AD / ~~MS~~ FC
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

Tel. No.: 011-2338 5368
Fax No.: 011-2338 6521
Telegraphic Add.: "HUMANRIGHTS"
Home Page : http://nhrc.nic.in

* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 03/09/2009

04 SEP 2009

To
THE CHIEF SECRETARY
GOVT. OF JAMMU & KASHMIR, SRINAGAR

Sub : Complaint from

SH. SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, PO BOX
9627, JANAKPURI
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 19/08/2009 and the Commission has directed as follows.

Mohan Lal, a poor rickshaw puller, became a victim of police atrocity. He was suspected of involvement in some burglaries which had taken place at Jammu. On 21st June, 2003, he was picked up by Jammu Police from Amritsar and taken to Jammu for interrogation. There is medical evidence to indicate that he was subjected to third degree torture during interrogation. Ultimately, he died in District Police Lines Hospital, Jammu on 2nd July, 2003. The incident was brought to the notice of Commission by Shri Suhas Chakma, Director, Asian Centre for Human Rights.

The State Government of J&K denied in its communication dated 24th December, 2003 that Mohan Lal had been continuously in the custody of police since 21st June, 2003. It was claimed in the communication that Mohan Lal had been let off on 22nd June, 2003 itself with the instruction to assist in finding the gang leader. It was further stated that he voluntarily came to the police station on 1st July, 2003 and immediately after arrival at the police station, he complained of dysentery. According to the State Government, the cause of death was dehydration and infection.

Post mortem on the dead body of Mohan Lal was conducted twice - first at Jammu and then at Amritsar. While the first post mortem report mentioned only 16 ante mortem injuries, the second post mortem conducted at Amritsar revealed 41 ante mortem injuries including incised wounds, blisters and electric current marks. Since the post mortem report prepared at Medical College, Amritsar indicated torture, the Commission issued show cause notice to the Government of J&K u/s 18 of the Protection of Human Rights Act, 1993 and called upon it to explain why it should not be asked to give some monetary relief to the next of kin of the deceased. The State Government has not responded to the show cause notice.

Ante mortem injuries like electric current marks and blisters which are reflected in the second post mortem report prepared at Amritsar, indicate torture of the worst kind. Merely because a person is suspected of involvement in incidents of theft, the investigating agency is not entitled to treat the suspect in such cruel manner. Passing of electric current through a human body in order to elicit information about the crime like burglary is against all canons of civilized investigation. It is a flagrant violation of human rights. Considering the age of the victim, his station in life and also the other circumstances of

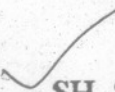
the case, the Commission recommends to the Government of J&K to pay a sum of Rs. Five lakhs as monetary relief to the next of kin of deceased Mohan Lal. Chief Secretary, Government of J&K shall submit compliance report with proof of payment within eight weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 05/11/2009, so that the same could be placed before the Commission.

Yours faithfully,


ASSISTANT REGISTRAR (LAW)

CC To.


SH. SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, PO BOX
9627, JANAKPURI
WEST DELHI, DELHI. 110058