

Case Details of File Number: 70/9/8/2010-AF

Diary No: 44280

Name of the Complainant: SUHAS CHAKMA, DIRECTOR

Complainant Address: NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI,

Name of the Victim: HABIBULLAH KHAN S/O SAIDA KHAN

Place of Incident: RAINAWARI FOREST

Date of Incident: 14/04/2010

Action Taken:

This case relates to the encounter death of one Habibullah Khan, aged about 70 years by 6th Rashtriya Rifles on 14.4.2010. The Commission on considering the various reports on record directed issuance of a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Govt. of J&K to show cause why an amount of Rs.Five Lakhs be not recommended to be paid to the NoK of the deceased. As no response to the show cause notice was forthcoming in spite of reminders, the Commission vide its proceedings dated 30.8.2018 recommended to the Secretary, Ministry of Defence, Govt. of India to pay an amount of Rs.Five Lakhs as monetary compensation to the NoK of the deceased Habibullah Khan and to submit compliance report along with proof of payment within six weeks. In response to the above recommendation of the Commission, Under Secretary (AG-I), Ministry of Defence, Govt. of India, New Delhi vide communication dated 7.6.2018 has forwarded a detailed report of Adjutant General, Addl. DG, Discipline & Vigilance (HR) Cell and submitted that deceased Habibullah Khan had walked into the ambush laid by the army and was killed in retaliatory fire. It had also been stated that the possibility of the deceased being involved in militant activity cannot be ruled out. Hence, the NoK of the deceased deserves no compensation as he was a terrorist sympathizer/guide and at the time of the encounter, he was a part of terrorist party. Commission has considered the aforesaid communication received from Ministry of Defense, Govt. of India, New Delhi along with the detailed report and is not inclined to accept it. The reasons for not awarding monetary compensation to the NoK of the deceased brought out by the Ministry of Defence, Government of India, New Delhi had already been considered by the Commission. Hence, the Commission reiterates its earlier recommendation issued vide its proceedings dated 30.5.2018 and directs Secretary, Ministry of Defence, Govt. of India, New Delhi to make payment of Rs.Five Lakhs as recommended by the Commission to the NoK of the deceased and submit the compliance report along with proof of payment within six weeks. Put up after six weeks.

Status : Action Taken On 12/07/2018

Action Due Date: 20/09/2018