

National Human Rights Commission

Diary No	130017/CR/2018	Case / File No	135/9/8/2018-AF
Victim Name	KHALID GAFFER MALIK	Registration Date	17/08/2018

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date
14	Sent to DG(I), NHRC	KUPWARA, JAMMU & KASHMIR	29/07/2022
13	Conditional Summon	THE SECRETARY - HOME FINANCIAL COMMISSIONER(ADDL. CHIEF SECRETARY), HOME DEPARTMENT, R. NO. 471, 4TH FLOOR, CIVIL SECRETARIAT, SRINAGAR - 190001	09/06/2022
12	Conditional Summon	THE SENIOR SUPERINTENDENT OF POLICE DISTT. POLICE OFFICE, KUPWARA , JAMMU AND KASHMIR	09/06/2022
11	Conditional Summon	THE DISTRICT MAGISTRATE GROUND FLOOR DC/DM COMPLEX KUPWARA, JAMMU AND KASHMIR	09/06/2022
10	Other Direction by the Commission		28/01/2022
9	Conditional Summon	THE DISTRICT MAGISTRATE	04/10/2021
8	Additional Information Called for	THE DISTRICT MAGISTRATE KUPWARA, JAMMU & KASHMIR	07/07/2021
7	Additional Information Called for	THE DISTRICT MAGISTRATE	11/03/2021
6	Sent to DG(I), NHRC	DG(I), NHRC National Human Rights Commission, New Delhi	09/02/2021
5	Additional Information Called for		24/08/2020

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Action Date	29/07/2022
Authority	, KUPWARA, JAMMU & KASHMIR
Proceeding	<p>The matter pertains to a complaint received from Shri Dhana Kumar alleging killing of a youth namely Khalid Gaffar Malik aged 22 years on 11.7.2018 when the security forces allegedly opened fire to the protestors at Trehgam town, Kupwara District of Jammu & Kashmir.</p> <p>The Commission vide its proceedings dated 9.6.2022 directed to issue conditional summons to the Home Secretary, Government of UT of Jammu & Kashmir, District Magistrate and Senior Superintendent of Police, Kupwara, Jammu & Kashmir to appear before the Commission on 28.7.2022 at 11.00 A.M. along with the Magisterial Enquiry Report in the matter, if not submitted by 21.7.2022.</p> <p>Pursuant to the directions of the Commission, the Deputy Legal Remembrancer, Home Department, Government of Jammu & Kashmir, vide letter dated 18.7.2022 has submitted the Magisterial Enquiry Report.</p> <p>Registry is directed to send the reports available on record of the case to the Investigation Division for analysis and submit their reports/ suggestions within four weeks.</p>

Action : Conditional Summon(Action No 13)

Action Date	09/06/2022
Authority	THE SECRETARY - HOME, FINANCIAL COMMISSIONER(ADDL. CHIEF SECRETARY), HOME DEPARTMENT, R. NO. 471, 4TH FLOOR, CIVIL SECRETARIAT, SRINAGAR - 190001
Proceeding	<p>The complainant, Shri Dhana Kumar, NGO vide his complaint dated 13.07.2018 alleged that a youth viz. Khalid Gaffar Malik, aged 22 years died when the security forces allegedly opened fire to the protestors at Trehgam town, Kupwara District of Jammu & Kashmir. Commission received a similar complaint on the matter from one Saleem Madavoor, Kozhikode, Kerala dated 27.07.2018.</p> <p>Taking cognizance of the complaints, the Commission sought detailed reports in the matter from the concerned authorities.</p> <p>Pursuant to the directions of the Commission, Director General of Police, Jammu & Kashmir vide letter dated 05.10.2020 informed that their inquiry revealed that on 11.07.2018, some miscreants pelted stones upon security forces deployed in Trehgam market. Due to this, the security forces restored to aerial firing to disperse the unruly mob during which one Khalid Gaffar Malik sustained bullet injury in his neck while he was returning home from his shop. He was immediately rushed to the hospital where doctors declared him brought dead. In this connection, case FIR No. 46/2018 u/s 147, 148, 149, 336, 307, 324 RPC was registered in PS Trehgam, and its investigation is going on. The report concludes that the deceased was not found involved in any kind of subversive activity. A magisterial enquiry was ordered by the District Magistrate, Kupwara to be conducted by ADC, Kupwara.</p> <p>While considering matter on 09.02.2021, the Commission directed to send the file to the Investigation Division for its examination and analysis and submission on the report. The Investigation Division of the Commission submitted that on scrutiny of the case file, it was revealed that none of the requisite reports (detailed report by SP, Kupwara, Inquest, PMR, MER, Ballistic Reports and FSL reports etc) have been received despite issuance of reminders by the Law Division from time to time. Hence, in the absence of these reports the case could not be concluded.</p> <p>However, after repeated reminders and issuance of summons, the Sr. Superintendent of Police, Kupwara vide letter dated 14.12.2021 informed that the case is under investigation and magisterial enquiry is awaited. Magisterial enquiry is being conducted by ADC Handwara. A copy of postmortem is enclosed with the report. As per postmortem report it appears that that viscera was not preserved and final cause of death has been given. As per report FIR No. 46/18 u/s 147/148/149/336/307/324 IPC was registered at PS Trehgam is under investigation. It has been further informed that MER in the matter has been submitted. However, the Commission has not received a copy of MER till date.</p> <p>District Magistrate, Kupwara has vide its letter dated 16.12.2021 informed that Enquiry Officer has completed its enquiry and submitted its report dated 23.10.2021 to the Government of Jammu & Kashmir. However, the same is not enclosed with the report. Further it is informed that an amount of Rs. One Lac as ex-gratia has been sanctioned in favour of NOK's of the deceased. However, father of the deceased has denied to receive the ex-gratia despite repeated requests.</p> <p>Commission on consideration of aforesaid report observed that though viscera was not preserved but final cause of death was given. However, MER is still awaited.</p> <p>In view of aforesaid reasons, let summons be issued to the Home Secretary, Government of UT of Jammu & Kashmir, District Magistrate and Sr. Supdt. of Police, Kupwara, UT of Jammu & Kashmir to appear before the Commission on 28.07.2022 at 11.00 A.M. along with MER and explain the delay. Should, however, the requisite MER be received on or before 21.07.2022, their personal attendance shall not be insisted upon.</p> <p>Put up on 28.07.2022</p>

Action : Conditional Summon(Action No 12)

Action Date	09/06/2022
Authority	THE SENIOR SUPERINTENDENT OF POLICE, DISTT. POLICE OFFICE, KUPWARA , JAMMU AND KASHMIR
Proceeding	The complainant, Shri Dhana Kumar, NGO vide his complaint dated 13.07.2018 alleged that a youth viz. Khalid Gaffar Malik, aged 22 years died when the security forces allegedly opened fire to the protestors at Trehgam town,