

NATIONAL HUMAN RIGHTS COMMISSION
(L A W D I V I S I O N)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 01/11/2011

Case No. 153/9/8/07-08-AF

3 NOV 2011

To

SUHAS CHAKMA 'DIRECTOR'
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI
WEST DELHI, DELHI.
(Pin Code -)

Sir/Madam,

With reference to your complaint dated 24/10/2007, I am directed to say that the matter was considered by the Commission on 27/10/2011. The Commission has made the following directions.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated the 9th September, 2011, when it observed as under:

"The compliance report has not been received from Dy. Commissioner, Kupwara, even though he has drawn the amount of compensation on 5.7.2011. Let a notice be sent to the Deputy Commissioner, Kupwara (J&K) calling upon him to send the proof of payment made to the next of kin of the deceased within four weeks. A copy of these proceedings be also transmitted to the Secretary, Ministry of Defence, Government of India for his information."

The Addl. Deputy Commissioner, Kupwara, vide his communication dated the 23rd September, 2011 has forwarded the proof of payment made to next of kin of deceased Shri Ab Rashid Mir. Perusal of the same reveals that an amount of Rs.3 lakhs has been paid on 12th July, 2011 to G.H. Ahmed, next of kin of the deceased. Proof of payment has also been annexed.

The Commission has considered the matter. The amount of interim relief as recommended by the Commission has been paid to the next of kin of the deceased. Orders of the Commission have been complied with. No further action is called for. The compliance report is taken on record and the case is closed.

A copy of these proceedings be also sent to the Information Officer, NHRC and also to the recipients.

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)

Ass. and Registrar(LAW)
Tel. No.: 011-2338 5368
Fax No.: 011-2338 6521
Telegraphic Add.: "HUMANRIGHTS"
Home Page : http://nhrc.m.c.in

Case No. 153/9/8/07-08-AF
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG. NEW DELHI -110 001

Dated 28/12/2010

To

THE SECRETARY
MINISTRY OF DEFENCE, GOVT. OF INDIA, SOUTH
BLOCK, NEW DELHI

31 DEC 2010

Sub : Complaint from

SUHAS CHAKMA 'DIRECTOR'
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI
WEST DELHI DELHI.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 22/12/2010 and the Commission has directed as follows.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 5.10.2010.

In response, a letter dated 21.10.2010 has been received from Under Secretary to the Govt. of India, Ministry of Defence, New Delhi. Perusal of the same reveals that since the accused is yet to be tried in Court of Law, it may be premature to conclude that he is guilty of the crime. However, purely on humanitarian considerations this Ministry agrees to pay compensation to the next of kin of the deceased without prejudice to the stand of the Army/Ministry of Defence that any personnel cannot be held responsible for the death of Abdul Rashid Mir.

The Commission has considered the reply. Ministry of Defence has no objection to pay compensation to the next of kin of the deceased on humanitarian consideration without prejudice to the stand of the Army/Ministry of Defence that no person can be held responsible for the death of Abdul Rashid Mir. The Commission recommends payment of Rs.3,00,000/- (Rupees Three Lakhs only) to the next of kin of deceased Abdul Rashid Mir without any prejudice. Secretary, Ministry of Defence, Govt. of India, New Delhi is directed to send proof of payment made to the next of kin of the deceased Abdul Rashid Mir to the Commission. Response in four weeks.

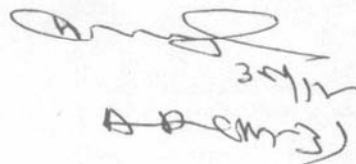
It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 01/02/2011, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To,

SUHAS CHAKMA 'DIRECTOR'
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI
WEST DELHI, DELHI.
(Pm Code-)


31/12/10
A.P.M.3)