

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Faziyah Ahmed Wani - JK
Dated 06/02/2009

Case No. 143/9/2004-2005-AF

To

SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
JANAKPURI
WEST DELHI, DELHI.

10 FEB 2009

Sir/Madam,

With reference to your complaint dated 05/12/2004, I am directed to say that the matter was considered by the Commission on 05/02/2009. The Commission has made the following directions.

The complainant a NGO has alleged that on 24.11.2004 the army personnel of 11 Rashtriya Rifles cordoned off and conducted search operation in the Chattroo Dengarpora village in the State of J&K. They also killed two persons and injured number of persons of village in the indiscriminate firing.

The Commission on 28.12.2004 invited the comments of Secretary, Ministry of Defence, Govt. of India and Chief Secretary, Govt. of J&K within four weeks.

In response to the Commission's directions, the Director General of Police, J&K vide communication dated 12.9.2005 submitted that concerning incident a FIR crime No.186/04 u/s 307/325/AAS RPC was registered. Later on the death of two injured persons detailed in the report aforesaid crime was modified u/s 302 RPC pending investigation.

The Under Secretary, Ministry of Defence, Govt. of India vide communication dated 13.6.2006 submitted that in the enquiry it was found that receiving information of presance of Pakistani terrorists a search operation in the said village was conducted to apprehend the terrorists. The villagers suddenly became violent and started throwing bricks, bats and kangris on the army personnel. Said situation turned into rioting. At the same time two persons were also trying to sneak away and villagers stopped the army to apprehend them by physically assaulting army jawans. The escaping persons also opened fire on army. In self-defence army also retaliated fire. Some villagers named in report sustained injuries due to terrorists fire. The injured persons immediately evacuated to the hospital. Two of them succumbed to injuries in the Distt. Hospital. He further submitted that entire incident was stage managed. He further submitted that as per the policy of Government of J&K, families of the deceased persons have been given financial relief of Rs. one lac each. An enquiry was also ordered wherein the complaint was found baseless and false. Therefore, request of closure of case has been made.

The Commission after considering the reports on 21.8.2007 observed and directed as under:-

"The Commission considered the report. The DGP, J&K be asked to send the outcome of investigation of crime No. 186/04 to the Commission within four weeks."

In response to the Commission's proceeding and reminders, the Director General of Police J&K vide letter dated 28.11.2008 has sent a report that investigation of FIR crime No.186/04 has been closed as 'untraced' of (accused persons).

The Commission has considered the report. The investigation of FIR crime No.186/04 has been closed as untraced and same shall undergo judicial scrutiny. The families of deceased persons have been given financial relief of one lac each as per the State Government's policy. Therefore, no action is called for. Reports be taken on record. Case is closed.

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)