

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

Dated 14/03/2008

Case No. 178/9/2/07-08

To

25 MAR 2008

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

Sir/Madam,

With reference to your complaint dated 24/12/2007, I am directed to say that the matter was considered by the Commission on 13/03/2008. The Commission has made the following directions.

This is in continuation of the earlier proceedings of the Commission. The Commission vide proceedings dated 25.2.2008 observed and directed as under:-

"The complainant has alleged killing of a person named Zahoore Ahmed Mir aged 26 years and sustaining injuries by number of persons in the indiscriminate firing by police on the public who were protesting for the demand of a Degree College in Mugam of Distt. Budgam.

The Commission on 4.1.2008 called for a report from DGP Jammu & Kashmir within four weeks.

In response to the Commission's proceeding, the Inspector General of Police, Crime & Railways, Jammu & Kashmir vide communication dated 1.2.2008 sent a copy of his letter addressed to the Inspector General of Police, CID, J&K requesting him to send the reports to the Commission as he is the Nodal agency for NHRC/SHRC.

Thus, the Inspector General, CID, J&K be asked to send the copies of inquest, post-mortem and injury reports along with the final outcome of investigation FIR/Crime registered into the incident within four weeks.

Further the Distt. Magistrate be also asked to send the copy of the Magisterial enquiry report into the police firing and ,death of the deceased therein within four weeks."

In response to the Commission's proceeding, DGP Jammu & Kashmir vide communication dated 29.12.2007 submitted that a suo-motu cognizance into the incident was also taken by State Human Rights Commission. Inquest report dated 20.12.2007 was also sent to State Human Rights Commission. The report reveals that on 15.12.2007 a group of 20/25 youths were trying to enforce the shopkeepers of Magam town to observe shut down to show their resentment against the Government for not acceding to their demand of a Degree College in Magam. He has further submitted that SHO Magam, assisted by SOG Magam and nafri of 176 Bn. CRPF reached the spot and tried to pacify the agitators but failed and one SR TC passenger bus was attacked by the youth and set on fire. The police resorted to mild lathi charge wherein 12 civilians sustained injuries. One of the injured namely Zahoor Ahmad Mir succumbed to his

injuries in NC hospital. During the course of incident police personnel also sustained injuries. He has further submitted that on 16.12.2007 around 1500/2000 people attended the Nimaze Jenaza of the deceased and attacked the office of SDPO Magam. Concerning the incident two cases No.210/2007 u/s 307/392/436/341/336/ 427/332/149 RPC regarding setting ablaze of SRTC Bus and snatching weapons from the police personnel and FIR No.211/2007 u/s 307/392/436/341/336/427/332/149 RPC regarding assaulting the Dy. Commandant and setting ablaze Government Gypsy and snatching of weapons were registered in P.S. Magam. He has further submitted that an ex-gratia relief of Rs. One lac was paid to the next of kin of the deceased by Dy. Commissioenr Budgam vide order No.DCB/Ref/2007-08/600-64 dated 18.12.2007. A magisterial enquiry has also been ordered.

The Commission considered the report. As the DGP has reported that SHRC has also taken cognizance on 19.12.2007 which is prior to the date of cognizance i.e. 4.1.2008 by the NHRC. Thus, the case is barred under the cognizance of 36(i) of the NHRC.

Thus, in the light of the above, no action is called for. Report is taken on record. Case is closed.

This is for your information.

Yours faithfully,

D. Ravish
17/12/08
ASSISTANT REGISTRAR(LAW)