

National Human Rights Commission

Diary No	108425	Case / File No	156/9/13/2010-AD
Victim Name	UMAR QAYOOM BHAT S/O ABDUL QAYOOM BHAT	Registration Date	08/09/2010

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

Action No.	Action	Authority	Action Date	Due Date	Completion Date
16	Concluded and No Further Action Required	SRINAGAR, JAMMU & KASHMIR	28/06/2018	28/06/2018	06/08/2018
15	Additional Information Called for	SRINAGAR, JAMMU & KASHMIR	13/06/2018	13/06/2018	
14	Additional Information Called for	THE SECRETARY JAMMU AND KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX, OLD SECRETARIAT SRINAGAR - 119001	14/03/2018	06/05/2018	16/04/2018
13	Additional Information Called for	THE SECRETARY JAMMU & KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX, OLD SECRETARIAT SRINAGAR - 119001	15/11/2017	07/01/2018	
12	Additional Information Called for		30/01/2017	30/01/2017	
11	Additional Information Called for		12/12/2014	17/01/2015	
10	Additional Information Called for	THE SECRETARY JAMMU & KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX, OLD SECRETARIAT SRINAGAR - 119001	12/12/2014	17/01/2015	23/06/2015
9	Additional Information Called for		06/01/2014	12/02/2014	21/03/2014
8	Additional Information Called for	THE SECRETARY JAMMU & KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX, OLD SECRETARIAT SRINAGAR - 119001	06/01/2014	12/02/2014	
7	Additional Information Called for	THE DEPUTY COMMISSIONER SRINAGAR, JAMMU & KASHMIR	11/12/2012	14/02/2013	

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9	Additional Information Called for		06/01/2014	12/02/2014	21/03/2014
8	Additional Information Called for	THE SECRETARY JAMMU & KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX, OLD SECRETARIAT SRINAGAR - 119001	06/01/2014	12/02/2014	
7	Additional Information Called for	THE DEPUTY COMMISSIONER SRINAGAR, JAMMU & KASHMIR	11/12/2012	14/02/2013	

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Action Date	06/01/2014	Due Date	12/02/2014	Completion Date	
Authority	THE SECRETARY, JAMMU & KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX , OLD SECRETARIAT SRINAGAR - 119001				
Proceeding	<p>These proceedings shall be read in continuation of the earlier proceedings.</p> <p>The Commission received a complaint dated 30-8-2010 from Shri Suhas Chakma, a human rights activist who has sought the Commission's intervention. It is alleged that on 20-8-2010, a 17 year old boy, Omar Qayoum Bhat s/o Abdul Qayoum Bhat was picked up by the police during a protest. He was detained and tortured at PS Soura in Srinagar, J&K. The said boy died on 25.8.2010 due to the police torture. The complainant has sought necessary action against the delinquent police officials and payment of interim compensation to the next of kin of the deceased.</p> <p>Vide proceedings dated 24-5-12, the Commission considered the report from the Additional DCP, Srinagar, J&K. It was intimated that during turmoil in the year 2010, the above boy named Umer Qayoom s/o Abdul Qayoom Bhat lost his life on 11-6-11. The Government sanctioned ex-gratia relief of Rs. 5 lakhs each, in favour of next of kins of the deceased persons who lost their lives in the turmoil. No relief was sanctioned in favour of the next of kin of Umer Qayoom as his family members had lodged a case against the security forces for killing him. The family members later on approached the authorities with a request that they would withdraw the case against the security forces if ex gratia relief is sanctioned to them. Consequently, the matter was referred to the Home Department of the State Government, which is pending consideration. The Deputy Commissioner, Srinagar, J&K was directed to send a report whether any ex-gratia monetary relief has been paid to the next of kin of the deceased Umar Qayoom. A complete report of inquest proceedings and final cause of death was also to be sent. Further, an enquiry was to be made from the State Human Rights Commission, J&K, Srinagar, whether they had taken cognizance of the case relating to the death of Umar Qayoom s/o Abdul Qayoom.</p> <p>In response to the aforesaid directions and further last reminder vide proceedings dated 11-12-12, the Commission has received a communication dated 11/3/13 from the Secretary, Jammu & Kashmir, SHRC that they took cognizance of the complaint filed by the father of the deceased Sh. Ab. Qayoom Bhat on 18-7-11 and has sought factual reports from Secretary to Govt, Home Department / DGP, J&K and DC, Srinagar. However, due to contradictions in the report of Home Department / DGP, J&K and DC, Srinagar, an independent enquiry into the incident was ordered by the SHRC and the case was entrusted to SP, J&K SHRC, who has yet to file the investigation / enquiry report to the Commission. However, he has been given a last opportunity to file his enquiry report by or before 9-4-13. The Commission shall apprise the Apex Body as and when the complaint is finally disposed off after the investigation wing files its report.</p>				

The complainant has submitted his comments dated 27/6/13 and has requested that the case may not be transmitted to SHRC and has requested that till date no action has been taken by the State Government to provide financial assistance / ex-gratia relief of Rs. 5.00 lakhs to the deceased's family even though the DC, Srinagar on 13-12-10 had recommended to the Principal Secretary, to the Govt., Home Deptt., J&K to provide ex-gratia relief of Rs. 5.00 lakhs to the NoK of the deceased.

The Commission has also received a communication dated 11-3-13 from the father of the deceased stating that his son was picked up by J&K, Police. He was tortured and his vital organs were damage and he died on 25/8/10. Till date he has not received any compensation or ex-gratia relief. Intervention is sought for justice.

The Commission has considered the material placed on record and asks:-

1. the Secretary, Jammu & Kashmir, SHRC to submit factual report of inquiry conducted by SP, J&K SHRC.
2. The Principal Secretary, to the Govt., Home Deptt., J&K to submit a further report as to status of payment of ex-gratia relief of Rs. 5.00 lakhs to the NoK of the deceased. Response within four weeks.

Complaint

Diary No	108425	Section	FC
Language	ENGLISH	Mode	BY HAND
Received Date	31/08/2010	Complaint Date	30/08/2010
Gist			

Victim

Victim Name	UMAR QAYOOM BHAT S/O ABDUL QAYOOM BHAT	Gender	Male
Religion	Muslim	Cast	Unknown
Address	R/O MILAK SAHAB, PS- SOURA,		
District	SRINAGAR	State	JAMMU & KASHMIR

Complainant

Name	SUHAS CHAKMA, DIRECTOR		
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-441-C, JANAKPURI,		
District	WEST DELHI	State	DELHI (110058)

Incident

Incident Place	PS- SOURA	Incident Date	25/08/2010
Incident Category	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY		
Incident District	SRINAGAR	Incident State	JAMMU & KASHMIR
Incident Details			

Cause List

List No	Case / File No	Listing Date	Category
17	156/9/13/2010-ad	05/06/2017	FOR PRELIMINARY CONSIDERATION
16	156/9/13/2010-AD	07/07/2016	FOR PRELIMINARY CONSIDERATION
15	156/9/13/2010-ad	19/11/2015	FOR PRELIMINARY CONSIDERATION
14	156/9/13/2010-ad	25/06/2015	FOR PRELIMINARY CONSIDERATION
13	156/9/13/2010-ad	30/01/2015	FOR PRELIMINARY CONSIDERATION
12	156/9/13/2010-AD	31/01/2015	FOR PRELIMINARY CONSIDERATION
11	156/9/13/2010-ad	20/06/2014	FOR PRELIMINARY CONSIDERATION
10	156/9/13/2010-ad	26/03/2014	FOR PRELIMINARY CONSIDERATION
9	156/9/13/2010-AD	17/12/2013	FOR PRELIMINARY CONSIDERATION
8	156/9/13/2010-ad	16/12/2013	FOR PRELIMINARY CONSIDERATION
1	2		

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[Action](#)

Action : Additional Information Called for(Action No 10)

Action Date	12/12/2014	Due Date	17/01/2015	Completion Date	23/06/2015
Authority	THE SECRETARY, JAMMU & KASHMIR STATE HUMAN RIGHTS COMMISSION, OLD ASSEMBLY COMPLEX, OLD SECRETARIAT SRINAGAR - 119001				
Proceeding	<p>The Commission by the proceeding dated 6.1.2014 directed the Secretary, Jammu & Kashmir State Human Rights Commission to submit factual report of inquiry conducted by SP, J&K SHRC and also directed the Principal Secretary, Home Department, Government of J&K to submit a further report as to status of payment of ex-gratia relief of Rs.5.00 lakhs to the next of kin of the deceased.</p> <p>In response, Secretary, J&K SHRC, Srinagar, vide his letter dated 31.1.2014 reported that the case was entrusted to police investigation for holding independent/ impartial enquiry into the incident as the versions of the parties were at variance. The S.P, J&K SHRC has finalized the enquiry in the matter and has filed the enquiry report before the Commission. The case is ripen for final disposal and shall be listed before the available Bench for the purpose. The orders passed in the instant case will be communicated accordingly.</p> <p>The Deputy Secretary, Home Department, Government of &K, vide his letter dated 6.3.2014 reported that the final investigation report furnished by S.P, Srinagar reveals that no torture was taken place in police custody. The postmortem of his dead body has also not been conducted as the next of kin of the deceased did not allow exhumation of the body. Since, the death is not attributed to law and order problem, the case is not covered for grant of special ex-gratia relief of Rs.5.00 lakhs. This final decision was taken in the meeting held on 4.7.2013 under the Chairmanship of Principal Secretary to Government, Home Department.</p> <p>The Commission has considered the matter. Secretary, J&K State Human Rights Commission may be requested to forward to this Commission within four weeks a copy of the Enquiry Report submitted by the SP (P/W) J&K State Human Rights Commission. He is also requested to intimate whether any final decision has been taken in the matter by the State Human Rights Commission</p> <p>The Principal Secretary, Home Department, Government of J&K may be requested to forward to this Commission within four weeks:</p> <p>(i) Copy of the final investigation report furnished by the Senior Superintendent of Police, Srinagar.</p> <p>(ii) Copy of Government Order No.Home/1234 dated 2.10.2010 relating to ex-gratia relief to NOKs of persons killed in civil disobedience.</p>				

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