

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 22/06/2015

Case No. 62/9/3/2012-AF

To

TEJANG CHAKMA, COMPLAINTS COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
(2ND FLOOR), JANAKPURI,
WEST DELHI, DELHI.

2 JUL 2015

Sir/Madam,

With reference to your complaint dated 15/02/2012, I am directed to say that the matter was considered by the Commission on 16/06/2015. The Commission has made the following directions:

This case pertains to a complaint dated 12.02.2012 received from one Shri R.H. Bansal, Human Rights Activist, alleging that the Army personnels had killed one Ashiq Hussain Rather on 10.02.2012 at Baramulla, Jammu & Kashmir.

The Commission took cognizance on 15.02.2012 and called for requisite reports from the authorities concerned.

In response, the Commission has received Magisterial Enquiry Report and reports from Ministry of Defence and the Deputy Commissioner, Baramulla.

Magisterial Enquiry was conducted by SDM Sopore. As per the MER, the role of Commanding Officer of 32 RR was questionable. Major Gopal of 32 RR who was heading the troopers to the village on the day of incident was also responsible as he launched the operation without having being first associated by the police personnel.

As per Ministry of Defence report dated 27.08.2013, a Court of Inquiry was ordered by Army Headquarter. It found that it was a case of accident in which a single round was accidentally fired from the weapon of one Naik Satendra Singh of 32 RR after he slipped and fell down due to slushy conditions on the night of 10th February, 2012. There was no mala fide intent or negligence on the part of the personnel. The findings and opinion of the Court of Inquiry were approved by GOC, HQ CIF (K)/GOC, HQ 15 Corps and perused by GOS-in-Charge, HQ Northern Command. Punishment of severe reprimand and reduction to a lower grade of pay was awarded to the delinquent army personnel.

Office of DGPO, J&K, Jammu informed vide their communication dated 22.10.2012 that FIR vide No. 6/2012 u/s 302 IPC was registered at PS Dangiawacha and it was under investigation.

The Deputy Commissioner, Baramulla vide his letter dated 07.08.2014 submitted (i) the proof of payment of Rs. 1.00 lakh to the NOK of the deceased Ashiq Hussain Rather and; (ii) copy of appointment order dated 22.02.2012 in respect of Mohd Iqbal Rather, the brother of the deceased as Class IV in Education Department.

The Commission has considered the material on record. State authorities have

provided Govt. job to the brother of the deceased and also compensation of Rs. 1.00 to the NOK of the deceased. A criminal case vide FIR No. 6/12 u/s 302 RPC has also been registered. The Competent Court would look into the criminal acts of the delinquent army officials once the chargesheet is filed.

In such circumstances, the Commission considers that no further intervention is necessary in the matter. The case is closed.

MAIN FILE-38/9/3/2012-AF

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)