

Reference No (ii) is ;

“ To ascertain whether there has been any foul play in their death and if so, identify the person/persons responsible”.

The reference will be taken in two parts:

- a) Whether there has been a foul play in the death of Neelofar and Asiya.
- b) To identify the person/persons responsible.

Reference (a):

The record shows that all the golden ornaments which Neelofar was wearing were not removed, consequently theft or robbery was not the intention of the culprits. Death due to drowning of Neelofar, has been ruled out by Dr. Bilal on positive floating test of lungs conducted on autopsy of both the dead bodies.

From the statement of Dr. Bilal, deposed before the Commission, it is established that the samples of vaginal swabs, taken from the dead bodies of Neelofar and Asiya, were sent to Forensic Science Laboratory for analysis. The opinion certificate of Scientific Officer Mushtaq Ahmad and his Assistant Scientific Officer Shahul Ahmad Kanth, establish the presence of human semen in both the samples. On the basis of opinion certificate, sexual assault of Neelofar as well as Asiya before their death, has been apparently established.

From the evidence of Dr. Nighat, Head of the Second Team of Doctors, who performed the post mortem examination of the dead body of Asiya, it is clear that Asiya had a injury 2"x3" on the vital part of her head, caused by a sharp edged

weapon, which injury could have caused fracture of skull, compression of brain, resulting in cardiac arrest.

The dead bodies of Neelofar, 22 years and Asiya, 17 years appear to be of sound health, with no physical deformity. There is no past or present history of any fatal ailment, or chronic disease of Neelofar and Asiya available on record. The sequence of events as shown from record, reveals that dead bodies of two young girls, were thrown in river Rambhara Nallah at two different places, separated by one and a half kms, between 2.30am to 5.50am on 30th May, 2009, in mysterious circumstances.

The cause of death of Neelofar according to First Team of Doctors has been stated as Neurogenic shock. It appears that Neelofar, a healthy girl of 22 years was subjected to such agonizing fear, stress, mental agony and external pressure, which resulted in her un-natural death due to Neurogenic shock. Whatever be the term used in medical science, to define the cause of death of Neelofar, the fact remains that her death was not due to a natural, normal and acceptable cause.

From the sum total of the statements of expert witnesses, examined by the Commission, it appears that with the motive to destroy the evidence, a grave injury was inflicted, with a sharp edged weapon on the vital spot, on the head of Asiya with full knowledge that hitting a vital spot with sharp edged weapon with force would in all probabilities cause death of Asiya.

The only conclusion that can be drawn, is that the death of both Neelofar and Asiya has not been because of any natural cause, but the death of both the girl has been caused with the aim to destroy evidence after rape, by committing their murder.

The reference No. (ii) (a) is accordingly answered.

Reference No. (ii);**(b) To identify the person/persons responsible.**

On the information of two missing girls, Neelofar and Asiya in the evening of 29th May, 2009, search party consisting of relations and police, to look for the missing girls around the Rambi Ara Nallah river right from 7.30am to 2.30pm but the girls were not traced. Search was resumed, by the relations and police party alongwith SHO Shafiq Ahmad around 5.30am. The dead body of Neelofar was found in a shallow spot in Rambi Ara around 6.30am. The dead body was nearly 150 mtrs up nallah from Zavora bridge, resting on two boulders. The place is approachable by motorable road. Although the SI Gazi Abdul Kareem and SHO Shafeeq Ahmad with police party, local residents and relations were presents but no preventive measures were taken by the police to cordoned off the area, and to preserve the spot from where the dead body was recovered. Huge crowd was permitted to trample the foots prints, tyre marks, which could have been preserved, to help to identify the culprits, and also the vehicle used in the crime. No photographs were taken of the dead body of Neelofar from the exact spot, where the dead body was found lying in the stream. The dead body of Neelofar was permitted to be pulled out and dragged through the nallah and brought to the western shore of river Rambi Ara Nallah.

Apparently, inquest proceedings were initiated but no surgeon was called, although the hospital is located at a distance of 10 minute drive from the place

of recovery of dead body. No efforts were made to carefully examine, in presence of a surgeon or other officers, any abnormal appearance, marks of violence, simple or grave injury on the dead body of Neelofar on spot. The clothes covering the dead body of Neelofar were not examined in inquest proceedings, for presence of any foreign material, tear or torn patches indicating struggle or resistance by the dead person, in fact the dead body of Neelofar was covered in a pheran to obliterate any evidence presence on the dead body. The correct plan of scene of recovery, with sufficient details and necessary features for proper understanding, identification appreciation of the place was not drawn. The approach motorable road, the depth of water, the width of the stream, the speed of flow of current, number of other minor relevant details were not endorsed in the site plan. The so called inquest proceedings initiated on spot were not properly conducted and no report was prepared before shifting the dead body for post mortem.

The dead body of second missing girl, Asiya Jan was recovered around 7.00am on 30th May, 2009 at a remote spot in the Rambi Ara Nallah, about one and a half Km down stream from Zavora bridge resting at a shallow spot of the stream.

As observed while discussing point of reference No.(i), page 4, the Rambi Ara Nallah is spread over a number of streams, 10 to 15 feet wide and 2 to 3 feet deep with reasonably fast flowing water.

On recovery of dead body of Asiya, in one of the shallow streams, the same indifferent and negligent attitude was adopted by the investigating agency to preserve the vital evidence, which may have been present on spot. The spot is also approachable by a road on which a gypsy, tractor, or any four wheel drive, motorized vehicle can ply. The place of recovery was not cordoned to preserve

the foot marks, tyre marks or any other vital evidence that might have been present on the spot. The photographs of the dead body of Asiya were not taken at the exact spot and in the same position, in which it was found by the search party. No surgeon or superior officer was immediately called to examine any abnormal changes on the dead body. Although there was a grave injury on the skull of Asiya but no detailed description of the injury with measurements of length, breadth, depth and also the description of instrument or weapon which could have inflicted such injury was noted. In this case also, apparently inquest proceedings were initiated but no proceedings except to obliterate or to destroy the evidence were conducted. The clothes covering the dead body of Asiya were not examined for presence of any foreign material or for detecting signs of struggle by visual inspection of the dead body. The foot prints, which may have been present on the shore of the stream were not covered for preservation and comparison. The correct plan of scene of occurrence showing approach road was not prepared on spot. The essential evidence, which could have been saved, and was required to be identified, collected and preserved, in inquest proceedings has been conveniently lost in the case of Asiya as well.

With the total loss of circumstantial, scientific and reliable evidence at the initial stage of inquest proceedings by police, the Commission was left with the limited option to invite witnesses having knowledge or information about the incident, which could lead to the identification of the culprits. Accordingly, public notice was issued on 3rd of June, 2009 as under;

“Requiring all individuals, group of persons, associations, institutions and organizations having knowledge, directly or indirectly, of facts and circumstances relating to the matters referred to the Commission, and having interest in the proceedings, before the Commission, or who wished to assist the Commission in making suggestions, were invited to furnish their statement of

facts/allegations, in the form of affidavits duly verified by the deponents and sworn in before any court or magistrate or notary, along with three Photostat copies thereof before the Secretary of the Commission at Circuit House Shopian on 9th June 2009 between 10.00 AM to 4.00 PM, either in person or by a duly appointed attorney”.

In pursuance of the public notice, statements of 38 witnesses has been recorded besides, 9 affidavits filed by independent witnesses.

In view of the large scale disturbances creating law and order problem, spread over the entire valley and continuous hartal, closure of not only private schools, colleges, business establishments but also government institutions including civil amenities like hospitals and dispensaries, the withdrawal of transport facilities in the entire district of Shopian in which the population is scattered in remote and hilly terrain created immense difficulties for the witnesses to appear before the Commission. The working of the Commission was considerably hampered by the strike and withdrawal of commutation facilities. The investigating team of the Commission also could not conduct investigation freely and effectively due to violent protests, continuous stone pelting and un-controlled anger of the citizens of Shopian against the administration right from the day of incident i.e. 30th May, 2009 till 29th June, 2009. However on assessment of the breakdown of law and order machinery on account of the anger of the public, regarding the incident, and subsequent events, the Commission deemed it expedient to forward an interim report within a record period of 12 days i.e. from 8th June, 2009 the day the Commission actually started functioning till date of submission of interim report on 20th June, 2009.

As the period of one month, initially allowed vide notification SRO 160 of 1st June, 2009 was to expire on 1st July, 2009, on the intervention of the

Commission, the period of submission of report was extended by a further period of 10 days, upto 10th July, 2009.

As observed above, in the absence of any scientific circumstantial evidence, the Commission examined 39 witnesses, besides conducting six spot inspections of the area from where the dead bodies were recovered at Rambhara Nallah. Affidavits were filed by 9 witnesses. The investigating team of the Commission scrutinized 33 cell phones of some important witnesses, police officers and suspects, in which total number of incoming/ outgoing calls are 32586 (including sms) during the intervening night of 29th and 30th May, 2009. The details about the calls verified are reflected in **Annexure-Z** annexed herewith for ready reference.

The aim of the exercise was to establish the direct or indirect link between these victims and the suspects. The exercise was taken up to know the family relations and degree of intimacy of different witnesses with the victims also. Unfortunately the cell number of victims could not be traced out so far and even family has shown its resistance to divulge the same before the Commission. The cell phone number of victims could have helped the Commission in working out their links and relations with the different persons/suspects and could have helped the investigation/inquiry in a big way. The mystery whether they were carrying cell phone or not remains to be unearthed. The call details of 02 cell phones and one land line are still awaited, the cell phones are 9419758571, 9906614677 and 01933-261603.

The analysis has further helped the commission to ascertain that there was no connectivity between Const. Mohammad Yasin deployed for search with Police station or any other senior officers including SHO, Dy SP Hqrs and SP Shopian of the Police during the intervening night of 29th/30th May 2009.

Further more, there was no connectivity between SHO, Dy SP Hqrs and SP during the night of 29/30.05.2009 was also established through the analysis of the Call Detail Record of these officers.

Besides, interaction with the neighbours of the orchard namely Hassan Sheikh S/o Karim Sheikh, Hassan Sheikh S/o Kadoos Sheikh, Qadir Sheikh, Abdul Aziz Sheikh, Gul Mohammad Sons of Hassan Malik R/o Nagbal and Gulshad Akhter W/o Ghulam Qadir Sheikh R/o Nagbal, Jamal Din Wani S/o Yasin Wani R/o Tatapani, Soom, Kalakote at present Dehgam, Nagbal, Molvi Khursheed Ahmad Khan owner of under construction B.Ed College at Nagbal, Azad Ahmad Turray S/o Abdul Aziz R/o Dehgam and Zaina Begum W/o Aziz Turray R/o Dehgam, Nagbal were contacted to ascertain the facts.

Furthermore during the enquiry, the Commission summoned number of witnesses and suspects, who despite repeated requests did not appear before the Commission. The details of these suspects/witnesses is reflected in **Annexure-Z1** annexed herewith.

Affidavits:

Affidavits have been submitted by Shakeel Ahmed, Showkat Ahmed. Manzoor Ahmed Ahanger, Syed Abdul Hai, Ali Mohd. Sheikh, Mohd. Rafiq Ahanger, Zahoor Ahmed Matoo, Suriya, Zamrooda.

I shall proceed to discuss the relevant portions of the statements of deponents, deposed in their affidavits.

Shakeel Ahmed Ahanger S/o Abdul Gani Ahanger age 28 years R/o Bangam. Occupation Shopkeeper has in his affidavit deposed that he is the husband of deceased Neelofar and has deposed that deceased Neelofar Jan age 22 years was his wife and deceased Asiya age 15 years was his real sister. Asiya was a

student of 11th class studying in Greenland Higher Secondary School Shopian. Asiya resided with the deponent. On 29th of May 2009, the deponent was informed by his other sister Rumi Jan that Neelofar and Asiya had left for Orchard at 5.00 P.M. The deponent submits that when he closed his shop at 7.30 in the evening he sent his younger brother Aqib Ahmed to the orchard to bring back his wife Neelofar and sister Asiya. Aqib returned after some time and informed that Neelofar and Asiya could not be traced. Deponent took the motor cycle of his neighbor Shakeel Ahmed and alongwith Aqib started looking for the deceased ladies. Enquiries were made from the wife of Ghulam Qadir who reside in the vicinity of the orchard. The wife of Ghulam Qadir had informed that both the ladies had come to the orchard but they had gone back. Thinking that the deceased persons may have returned home, the deponent came back to his home, but did not find the deceased persons in the home, whereafter deponent started second search alongwith Showkat Ahamed S/o Bashir near police lines and river Rambh Ara but could not find any trace of the deceased ladies. Meanwhile the brother of the deponent, Manzoor Ahmed Ahanger also arrived in his Maruti car alongwith his son Wasim Manzoor. All the persons started intense search to find the whereabouts of the deceased persons. There is a CRPF camp and police lines located, near the orchard of the deponent. Ultimately the deponent submits that he approached Police Station Shopian and filed a missing report before Munshi Riyaz Ahmad of the Police Station. They were directed to go back to their home. It is submitted that when they were on their way back to their home, they received a phone call from the Munshi and were directed by the Munshi to come back to the Police Station Shopian. Police party headed by Mohammad Yasin accompanied deponent in a police vehicle to search for the deceased ladies at every place around and on the both banks of river Rambh

Ara. Queries were made from Ghulam Qadir who confirmed that he has often been seeing the deceased ladies coming and going to the orchard. The witness adds that the place from where the dead bodies were recovered the next day, was thoroughly searched during the night upto 2.30 AM but nothing was found and all the members of search party returned home. The Police assured the deponent that it is their responsibility to trace the deceased ladies and that they would resume the search in the morning. The deponent alongwith other family members went to the Police Station but as the gate of the Police Station was not open the deponent and his search party started looking for the missing persons near police lines. Meanwhile the SHO arrived in his vehicle, shook hand with the deponent consoled him, and proceeded to resume the search and then Shakeel Ahmad SHO and his driver pointed towards the spot where the dead body was lying. The spot had been searched during the night upto 2.30 AM. The dead body was found near CRPF camp and all persons working on the road are being watched from the CRPF bunker. The search party came near the dead body and found that dead body was near the bridge on the bank of the river towards Shopian side in a half naked condition showing visible signs of violence. The clothes of Neelofar were torn from the sides and her body was absolutely naked. Search party started looking for Asiya but found nothing. Immediately after the recovery of the dead body camera man and ambulance reached on the spot.

Showkat Ahmad Dalal S/o. Bashir Ahmad Dalal, age 26 years, occupation business R/o. Bongam Shopian has in his affidavit deposed that, he was sitting at his home in the evening and at about 9.00 PM, he received a phone call from Shakeel Ahmad Ahanger, asking the deponent to come to market place of Bongam. The deponent reached the market place, met Shakeel and was informed by Shakeel Ahmad, that his wife Neelofar and sister Asiya had gone

to orchard situated at Nagabal Bongam but have not returned. The deponent alongwith Aqib and Shakeel Ahmad left on the scooter to search for Neelofar and Asiya. Scooter was parked at Police Lines DIET Shopian, and search was resumed in the orchard and around the river Rambh Ara. There is a CRPF camp near the orchard and the deponent again parked his Scooter near the orchard and resumed search under the light of lanterns, on the other side of the river Rambh Arra. Queries were made from neighbors Ghulam Qadir and his wife, who informed that she had seen both the girls coming to the orchard and also returning from the orchard. Shakeel Ahmad rang his home to ascertain if Neelofar and Asiya had returned home but the reply from the home was that they had not reached the house. After some time Manzoor Ahmad brother of Shakeel Ahmad and his son Waseem arrived in their vehicle and all of them started looking once again for Neelofar and Asiya around the banks of river Ranbi Arra but could not find anything. There is a CRPF camp which has a bunker and they keep watch on the persons walking on the road with a search light. The search party returned to the Police Station and report was filed. SHO Shakeel Ahmad asked the deponent to go back to their home when the deponent was on his way to home the Munshi of Police Station Riyaz Ahmad rang up directing the search party to return. All persons of the search party went back to the Police Station. The search party headed by Mohammad Yasin resumed the search around river Ranbi Arra and orchard. Queries were made from the household of Ghulam Qadir. The place from where dead body of Neelofar was recovered in the morning was also searched during the previous night but without any result. As nothing was found in spite of search upto 2.30 in the night the search party alongwith the police personnel returned home. The Police party assured that the search would be resumed on the day break.

On the next day the deponent alongwith Shakeel and other family members went to the Police Station but could not enter as the gate was closed and they left to resume search towards Nagbal when they arrived and shook hand with Shakeel Ahmad and proceeded to resume the search. After walking few steps SHO Shakeel Ahmad pointed towards the dead body and in the meanwhile camera man and an ambulance came on spot. It is further deposed that the place where from the dead body was recovered was searched during the night but no dead body was found. The dead body was of Neelofar lying on the bank of the river towards Shopian side on the same side on which CRPF camp is located. The dead body was half naked. Deponent submitted that he put his own pheran to cover the dead body. A blue colour jacket was recovered from the vicinity.

Manzoor Ahmad Ahanger S/o. Abdul Gani Ahanger R/o Bongam Shopian age 40 years has in his affidavit deposed that on 29th May, 2009 he closed his shop at 8.30 in the evening and returned to his home where he was informed by his wife, that deceased Neelofar and Asiya had gone to their orchard but did not return. The deponent says that at 9.30 pm Shakeel rang up to enquire about the deceased persons. Shakeel was informed that the deceased persons have not returned home. The deponent directed his son Waseem to join the search party in his vehicle at Batapora Nagban. The deponent and his son proceeded towards river Rambhara and on reaching there found Shakeel Ahmad, Aqib and his friend looking for the missing persons. Queries were made from the wife of neighbour Ghulam Qadir who confirmed that the deceased had come to the orchard in the evening but had gone back. Queries were made from other inhabitants of the locality but no information came out. Search was resumed around the road on which CRPF Bunker is located, from where search light illuminates the road. Ultimately search party went to the Police

Station and filed verbal report. The police recorded verbal report and directed us to go to our homes. The deponent says when they were on the way going back to their home and on their way back, Shafeeq Ahmed received a phone call they returned to Police Station. The search party came to police station from where a police search party along with SHO Shafeeq Ahmed proceeded to search for the dead girls. Queries were made from the neighbour of the orchard Gh. Qadir but nothing was found. Ultimately everybody returned and police told Shakeel Ahmed to go to his home because it is now the job of police to search for the missing persons in the morning. Shakeel Ahmed and his family members went to the Police Station on the next morning, as the gate of police station was locked, Shakeel Ahmed could not enter and he started the search on his own along with his family members. As soon as the search party reached Police Line, the SHO arrived in his vehicle. SHO Shafeeq Ahmed shook hands with Shakeel Ahmed and resumed the search after walking a few steps near the bridge, they came close to the bridge and SHO Shafeeq Ahmed pointed out towards the place where dead body was lying. CRPF camp is close to the place where dead body was lying. The witness says that since they came to the place where the dead body was lying, a camera man was found present within twinkling of an eye, which shows that police had prior information of the location of the dead body. The dead body was in half naked form and the marks of violence were visible. There was a blue jacket near the dead body.

Syed Abdul Hi S/o Gh. Rasool, Age 50 years, occupation, Farmer R/o Tikroo Shopian has in his affidavit, deposed that he was having tea at his house at Tikroo. He was called by Parvez Ahmed and his wife and was informed about the disappearance of the daughter of the deponent Neelofar Jan and Asiya. The deponent came to Sumo stand Shopian and saw the ambulance carrying dead bodies of Neelofar and Asiya. The dead bodies were taken by doctors for

post-mortem. A team of doctors was called from Pulwama who conducted the post mortem of the dead bodies. Dr. Nighat conducted the post mortem and came out to inform, that rape had been committed and there were marks of violence on the dead bodies. Deputy Commissioner, Mr. Ramzan Thakur and Mr. Javed Iqbal were present when the statement was made by the doctors. S.P insisted that the dead bodies should be buried as soon as possible. S.P came out of the hospital and started shelling on the public.

Mohammed Rafiq Ahanger S/o Ab. Aziz Ahanger, Age 28 years, Occupation Mechanic has in his affidavit deposed that he heard rumor about the murder of Nelofar and Shakeel Ahmed. The deponent along with Imtiyaz Ahmed Ahanger, Mohammed Ashraf Ahanger, Nadeem Sultan and Farooq Ahmed Ahanger boarded a vehicle and went to Batpora and saw the dead body of Nelofar on the bank of river close to the vicinity of CRPF bunker. The dead body of Asiya was not seen anywhere. The deponent along with other persons searched the banks of river and found the dead body of Asiya on the other bank of the river. Mohammed Ashraf Ahanger and the deponent covered the dead body with their Farans, meanwhile the ambulance came on spot.

Ali Mohammed Sheikh S/o Gh. Mohammed Sheikh, age 65 years, occupation, business R/o Bonigam Shopian has in his affidavit deposed that on 30th May 2009 at 9.00 A.M, he was present in the hospital campus at Shopian, when the post mortem of the dead bodies of Neelofar and Asiya was conducted. The deponent says that after post mortem samples were sealed in his presence by the Chief Medical Officer, Shopian and the dead bodies were taken home. CMO requested the deponent that since one test is to be performed, the deponent was required to take the doctor along with the dead bodies for conducting the test. The deponent adds that the doctor came to the house of

the deceased, but did not conduct the examination of the dead bodies, because the dead bodies were kept in front of the office of Deputy Commissioner. Meanwhile second team of doctors came on spot headed by a lady doctor from Pulwama and the post mortem was conducted a second time. After conducting the test, lady doctor came out and stroke her head with her hands and informed that the deceased have been raped.

Zahoor Ahmed Mantoo S/o Gh. Hassan Mantoo Age 39 years, occupation Contractor, R/o Bonigam Shopian has in his affidavit deposed that he was present in the hospital campus on 30th May 2009 at 9 AM along with other people. On the insistence of the public, a team of doctors was called from the Pulwama to conduct post mortem examination. On examination of the dead bodies of Neelofar and Asiya, the post mortem examination was conducted and the lady doctor came out after conducting the post mortem. Dr. Nighat came out and informed about the rape on the dead bodies and marks of violence in presence of S.P and D.C Shopian. S.P Shopian did not pay any heed to this information and directed that the dead bodies should be buried with all haste.

Mst. Zamrooda Bano W/o Shabir Ahmed Mir, Age 25 years occupation, Housewife has in her affidavit deposed that although she is a housewife, but she performs last ritual of washing of female dead bodies of the locality. The deponent says that on 30th May 2009 she along with Shazada Bano and other ladies washed the dead body of the deceased Neelofar. The marks of post-mortem incision were found on the left and right arms. There were blue marks of violence.

Mst. Suriya W/o Zahoor Ahmed Najar Age 34 years, Occupation, housewife, R/o Bonigam Shopian has in her affidavit deposed that although she is a

housewife but she also performs the last ritual of washing the dead bodies of ladies. On 30th May 2009 she performed the ritual of bathing the dead body of Asiya and found marks of incisions of post mortem and marks of deep injury on the centre of the head of Asiya. The injury appeared to have been inflicted by a sharp edged weapon and was bleeding even at the time of last bath. There were blue marks on her face and a scratch near the left eye. There were marks of violence on the knees of the dead body of Asiya. Some other ladies were also present at the time of last bath. It appeared that the dead body had been subjected to rape because the private parts were open.

Statement of witness Abdul Rashid S/o. Ghulam Hassan R/o. Dighama Zavora, Age 32 years, Profession, Radio Mechanic on oath summoned by the Commission on 18. 06. 2009 is in verbatim as under;

The witness stated that I have my shop where I repair radios near Allan Kucha, Jamia Masjid. I left my shop at 7.30 PM on Friday. I came to the shop of Ghulam Mohiudin, witness who have given his statement in this Commission. Mohiu Din asked me to give a video player on which he wanted to show some film to his guest who had come to his home. I asked him to accompany me so that I could give the video player from my home. We started walking together towards our home and came over Zavora bridge which is over Rambi Ara Nallah. There is a depression a down slope after the bridge is crossed. We started climbing down the slope and we saw a vehicle was parked on the left side of the road. There were four persons standing in front of the vehicle and four persons were at the back side of the vehicle. The vehicle was facing Shopian side. They ordered us to keep our hands up and meanwhile we heard noise coming from inside the truck blue colour, with a khaki Turpaline (Trupal) model 407. The colour of Turpaline was not black or green. Cries were of ladies

and they were saying “mother save us”. These people ordered us to keep our hands up and run away from the spot. The one of the persons had a cap on his head and his face was covered with a cloth. The cap was not of cloth but was of steel. I saw the person who shouted at me, he was in uniform which was khaki. The person in the khaki did not beat me but he ordered me to run away. The girls were saying ‘mother mother and were weeping’. I did not see the girls who were inside the truck. I only heard the shouting. When I was ordered to run away I became nervous and did not observe how many girls might have been the truck shouting ‘Moujay Moujay (mother mother)’. I did not tell anybody at home about the incident that some girls were shouting in the truck. I did not suspect upto 10.00 AM in the morning that the girls had been taken in the truck.

On question by CPO assisting the Commission, the witness deposed that, an advocate called me and asked for information. I did not suspect that the girls would be molested, I would have turned back to Shopian and informed everybody. The sexual activities was rampant in orchards and river banks before the arrival of District Police Line on the bank of the river. I can identify the vehicle if it is produced before me by its height and built. The persons did not have bullet jackets but faces were covered. They did not have helmets with visors. They did not allow us to lift our head so I did not see whether other persons had helmets or not. There must have been eight people around the truck. I have no idea how many were inside the truck. It was evening time, but there was light. I am married since seven years, and have three sons. I am illiterate and cannot read and write. I have never been beaten by Task Force during crack down operation. Army people beat at times on demand of Identity Card. I learned the craft of repairing the radio from one Mohammad Iqbal. It is not a fact that I have learned it from Lal Chowk. Because of the noise

of fast current of water I could not judge exact words coming out of the standing vehicle.

Statement of witness Ghulam Mohi-u-Din Lone S/o Ghulam Ahmad R/o. Geer Ward Zawoora Shopian on oath summoned by the Commission on 09. 06. 2009 is in verbatim as under;

The witness on his own stated that it was a Friday and the month was of May, About 11 days back, I was sitting on my shop which is located near Batpora Stadium. I closed the shop at 8.00 in the evening and thereafter 4-5 minutes, I alongwith Abdul Rashid left the shop for my residence which is at a distance of more than 01 km. We crossed the bridge which is known as Ara kadal and we saw a vehicle which was a police truck. On close observation of the vehicle I found that it was a J&K police truck. It was a small truck which is used by the police for announcement of curfew. There were four uniformed persons on the front side four persons at the back standing near the truck. Four persons were standing towards the front side of the truck. The truck was facing towards the stadium side of Shopian town. As I had to proceed to my village Geer ward, which is across the river on the other side of Shopian town, therefore, I could see the four police personnel in uniform who were standing in front of the police truck. As soon as we crossed the bridge and covered a distance of 2 to 3 yards, we heard shouting and cries of ladies, coming from inside the police truck. Policemen started abusing us and beat us with their canes to frighten us. They were carrying weapons and we were so frightened that we left the place. They threatened us of dire consequences and warned us not to talk about the incident to any person. They warned us that if we would even whisper about this incident, we will not be killed but our families would also be killed. We were so scared that we did not dare to remain on spot. We left and reached a

gate which is at a distance of ten yards from the place and went to our home. The vehicle left in total darkness. Abdul Rashid who was accompanying me told me there and then that we should not open our mouth and speak about the incident to anybody. Abdul Rashid said that if he is questioned he will deny the knowledge of incident to save his life. The time must have been around 8.00 P.M. The police vehicle proceeded towards Shopian town. Second day two dead bodies were found in the same river which is known as Rambi Ara. The dead bodies were recovered in the morning and they were of two girls (two ladies). I opened my shop on the next day. I did not open my mouth because of the fear of the police and consequential revenge. I was called by police on Sunday in the police station at about 5.30 in the evening. SHO questioned me but I did not open my mouth because of fear to my life and my family. Thereafter SHO left me. The truck which I found carrying the girls is normally sued by police in Shopian town to make announcements and for carrying the police personnel. The police personnel had helmets on their heads and had covered their faces. The police personnel were speaking in Urdu but from their pronunciation and way of talking it appeared that they were basically kashmiri police speaking in Urdu. Some of them were of my height which is five and half feet and others were little higher and little shorter. I am giving the statement without any pressure, coercion, promise or undue influence. The statement is voluntarily and not tutored account at the instance of any person. I only request that my life and the safety of my family may be protected.

Statement of witness Showkat Ahmad Dalal S/o Bashir Ahmad Dalal, age 26 years, Profession Business R/o. Bongam, Shopian on oath summoned by the Commission on 17. 06. 2009 is in verbatim as under;

The witness stated that I have given the affidavit before the Commission which is shown to me today. The contents of the affidavit are true and correct. I have signed the affidavit and I identify the same. The affidavit is marked **SAD** for identification. I alongwith Shakeel Ahmad went to the police station on 29th of May, 2009 to file missing report. Initially police refused to register the report, but subsequently they registered and we left the police station. We were on our way back when we got a phone call to return to police station. A police party was deputed with us to search for the missing girls. A 407 vehicle was also allotted to us. We left our vehicle outside the police station, Shakeel Ahmad, Manzoor Ahmad, Aqib Hussain and myself boarded the police 407 vehicle and resumed the search of missing girls in the orchard and around the Rambi Ara Nallah upto 2.30 AM in the morning of 30th May, 2009. We could not trace the missing girls. We left our home at the first day break and went to the police station. The police did not open the gate of the police station for half an hour, and we left to resume the search on our own. On reaching the bridge we resumed the search near the bridge in the Rambi Ara Nallah towards newly constructed District New Police Line. We found nothing and return to the bridge meanwhile SHO also came on the bridge and shook hands with Shakeel. I heard noise and saw that every body was pointing towards the dead body of Neelofar from the bridge. I jumped the road to reach the spot by crossing the stream but I was not permitted to cross the stream but I returned and crossed the bridge and ran to the place where the dead body of Neelofar was pointed out to be located. Manzoor Ahmad, Ghulam Hassan and two policemen reached the place where the dead body of Neelofar was resting. Her one arm was raised and we thought she requires help. Manzoor Ahmad, Ghulam Hassan and two police men lifted the dead body. One side of her face was dry. The sides of her frock was torn and lifted upwards. She had froth in

her nose which was hanging. There was a mark on her right wrist which indicated that she had been tied. We carried the dead body to the shore. There was no bleeding on the dead body. One policemen asked me to remove my pheran so that the dead body is covered. It was brown colour pheran. The dead body was naked and as such the pheran was required to cover the dead body. The ambulance / photographer reached the place within minutes of recovery of the dead body from the stream. I started search for Asiya towards upstream and found nothing then I went searching down stream towards Arhama. The advance search party had located the dead body of Asiya opposite Arhama shrine. They had taken the dead body out of the stream and kept it on one side of the river. The dead body of Asiya had been covered by three pherans. The moment I saw the dead body I saw ambulance had also arrived near the shrine at Arhama. We took the dead body in our Sumo vehicle and went to home at Bongam Shopian. Even a child of 4 to 5 years can cross the stream at the spot from where the dead body was recovered. I went to the hospital where the post mortem was being conducted and saw Dr. Nazir Ahmad and S.P Javid Ahmad Mattoo coming out of the post mortem room. They went to the room of Dr. Nazir Ahmad.

On question by CPO assisting the Commission, the witness stated Shakeel is my friend. I reside in Dalal Mohalla. We went in a maruti car to the police station on 29th May, 2009. Ct. Mohammad Yasin was heading the police search party on 29th of May, 2009. Police persons had torches in their hands. I had conducted search of the place from where dead body of Neelofar was recovered. Bridge must be at a height of 20 feet from the water level of the river. It was not a complete dark night. ***It is not a fact that Neelofar was carrying a cell phone.*** It is not a fact that any call was made to Neelofar at 6.45

PM as pleaded in the Public Interest Litigation in para 2(i) filed by Bar Association, Srinagar.

Statement of witness Shakeel Ahmad Ahangar S/o Abdul Gani Ahanger, age 28 years, Profession Business R/o. Bongam, Shopian on oath summoned by the Commission on 17. 06. 2009 is in verbatim as under;

The witness stated that I have given the affidavit before the Commission which is shown to me today. The contents of the affidavit except for one fact that the motorcycle was not taken from Shakeel Ahmad but was taken from Latif Ahmad the rest of the contents are true and correct. I have signed the affidavit and I identify the same. The affidavit is marked **SAA** for identification.

On question by CPO assisting the Commission, the witness stated that it is a fact that when we left from the Police Station, the police party came in a TATA 407 vehicle. The vehicle was driven by Ghulam Mohammad, Trilok Singh, Mohammad Yasin and myself were on the left side of the driver on the front seat. 5 to 6 policemen were in the rear of the truck. No officer accompanied us at that time. Aqib Hussain, Showkat Ahmad, Manzoor Ahmad, Waseem Manzoor were with me to conduct the search We had two solar lanterns to conduct the search. Policemen had torches in their hands. After leaving police station, we went to the orchard and conducted search in the orchard. The wife of Ghulam Qadir confirmed that the two girls had come to the orchard and had gone back. Ghulam Qadir the neighbour of the orchard confirmed that he had seen the girls going back, before sunset when there was sufficient sunlight spreading on the Rambi Ara Nallah. I alongwith the search party conducted the search from the orchard and also searched the area of Rambi Ara Nallah.

Mohammad Yasin(Assistant Moharir Constable) of police party told me not to worry and said that search would be resumed next morning at the first light at day break. Mohammad Yasin would make frequent calls from his cell phone and would hide his cell phone under his pheran. The vehicle returned back from the main road. We reached back to police station at around 2.30 am in the morning of 30th May, 2009. In the early hours of next morning I approached the police station with the Showkat Ahmad, Aqib Hussain and Manzoor Ahmad. I alongwith the above named persons kept waiting outside the gate of the police station, we could not enter because the gate was locked from inside. We waited for half an hour but the gate was not opened. The activity of jogging on Batapora Zavora bridge starts right from 6.00 AM. We left to resume the search without police party because they did not come out. We had just approached the Batapora Zavora bridge when the SHO arrived in his gypsy alongwith his escort. The SHO Shafeeq Ahmad parked his gypsy on the bridge and started walking towards Zavora side. Immediately after leaving the bridge the SHO Shafiq Ahmad pointed out towards the river and said the dead body of Neelofar is lying at that spot. The dead body was exactly at the spot which was indicated by the SHO after crossing the bridge. It is not a fact that SHO was leading us and I was walking with SHO alongwith Manzoor on the side of the river which is towards Shopian to conduct the search. It is also not a fact that the SHO located a bundle of clothes which were floating in the river and directed Manzoor Ahmad to go over the bridge and ascertain what the clothes are covering. The fact is that the SHO identified the dead body of Neelofar immediately after crossing the bridge. Manzoor Ahmad Ahanger was with me standing on the bridge when SHO identified the dead body of Neelofar. It is not a fact that Manzoor Ahmad crossed the river and approach the bundle of cloth which is alleged to have been floating in the river. Manzoor Ahmad, Showkat

Ahmad and Ghulam Hassan alongwith two constables approached the dead body of Neelofar. The SHO accompanied me from the Zavora side to reach the dead body but the SHO prevented me to cross the small stream and told me to approach the dead body of Neelofar after crossing the bridge and after taking the motorable road which is present on the Shopian side of the bridge. The SHO did not approach the dead body of Neelofar he kept standing on the bridge. The SHO was a police officer incharge of investigation, he could have approached the dead body and directed us not to touch the dead body and could have taken charge of the dead body on his own, which he could not do and could have preserved and collected the evidence which was available on spot. The SHO could also have directed to cordoned off the area to preserve the scene of recovery of dead body of Neelofar. The area was not cordoned off deliberately by the SHO to destroy the evidence and cover up the crime. When I looked at the bridge immediately after recovery of dead body of Neelofar, the ambulance and the photographer had arrived on spot. I broke down and started crying on spot and I was lifted by the public. There was a mark around her neck and another mark of compression on her back, which could have been caused by rubbing against hard surface. Her ornaments were on the dead body. There was froth on the mouth, which was dry. The braseries were dislodged, sides of the frock were torn and had been lifted up. There was no bleeding on any part of the body of Neelofar. I was taken home and meanwhile the dead body of Asiya, my sister, was also brought. There was an injury on her forehead and bluish marks were on her face and nose. I also went to the hospital where the post mortem was being contacted. I saw Dr. Nazir coming out of the post mortem room alongwith S.P Javed when the post mortem was in progress of the dead bodies. I have no dispute with any person. No person is inimical towards me. Before purchasing land of orchard, I approached all the

neighbourers and told them that if they were interested in the orchard they had the first right to purchase the orchard. Therefore, I do not suspect that any neighbour was annoyed with me on purchase of the orchard. There has been no past incident of any unpleasant with any person of the locality. ***I suspect the involvement of police in this gruesome crime*** because the way the police has suppressed facts and evidence in this case proves my suspicion to be correct.

To sum up admissions made by Shakeel Ahmad Ahanger in his statement before the Commission

The witness states that he has no dispute with any person over land, property or business. It is also admitted that there is no history of past enmity or personal unpleasantness with any person of the locality. The witness categorically submits that he suspects involvement of police in the rape and murder of his wife and his sister, because the police has suppressed the facts and destroyed the evidence, which supports his suspicion.

Statement of witness Manzoor Ahmad Dhobi S/o Abdul Rashid Dhobi, age 22 years, Profession Business R/o. Bongam, Shopian on oath summoned by the Commission on 17. 06. 2009 is in verbatim as under;

The witness stated that on 30th May 2009 I was informed by my wife in the morning that the wife of Shakeel Ahmed and his sister have died. I boarded a Sumo and reached Rambi Ara Nallah river and saw Shakeel Ahmed who was present on spot. The dead body of Neelofer had been recovered and she had been covered with clothes. Search was continuing to trace Asiya and I joined the search party and started search towards down stream of Rambi Ara river. I conducted search for more than one and a half kms down stream, meanwhile, Rafiq Ahmed of search party shouted he has located the dead body of Asiya. I rushed to the spot , the dead body was covered with clothes by Mohammed

Rafiq Ahanger and Mohammed Ashraf Ahanger. The dead body of Asiya was lifted and brought to shore. We walked nearly 1 Km. in the Rambi Ara river and reached Arhama shrine. There are no streams between the place from where the dead body was recovered and the Arhama shrine. There is a road on the river bed right up to the place from where the dead body of Asiya was found. Only trucks and tractors can ply on this road. Ambulance had already reached Arhama shrine although we had not sent any message to anybody. There was no police men with us when we retrieve the dead body of Asiya from the river. The dead body was on a shallow spot in the stream where there is a confluence of three streams. The depth of water in the stream must have been one feet to two feet. The dead body was taken in the Sumo to home. Thereafter I have no knowledge.

On question by CPO assisting the Commission, witness stated, I did not look for injuries on the dead body of Asiya. I however, saw an injury on the face of Asiya. I also helped to lift the body and take it to the shore. We put the dead body on a pheran and made a stretcher out of the pheran and carried the dead body without looking for marks of injury on the head or on the feet. When we lifted the dead body of Asiya her face was down side. We did not turn the dead body while carrying to the shore. Police was not with us when we lifted the dead body.

Statement of witness Imtiyaz Ahmad Ahanger S/o Noor Mohammad Ahanger, age 26 years, Profession Business R/o. Bongam, Shopian on oath summoned by the Commission on 17. 06. 2009 is in verbatim as under;

The witness stated that on 30th May 2009 I was having tea at my home. I was informed that there is some fight in the mohalla. I went out of my home and found some ladies crying about the death of Neelofer and Asiya. I boarded a

Sumo and went to the Rambh Ara Nallah and found that only one dead body of Neelofer had been recovered from the river. I along with my cousin Mohammed Rafiq Ahanger started search of Asiya down stream from the bridge. We formed number of search parties and continued to search towards the down stream area of the river. After about one and a half kms. I saw some red clothes at a distance of 100 yards and approached the spot with Mohammed Rafiq Ahanger and found the dead body of Asiya in a shallow spot where three streams flow on either sides of the spot. Mohammed Rafiq Ahanger removed his pheran and put on the dead body of Asiya. Meanwhile, Mohanmeed Ashraf also came on spot, he also removed his pheran and put it on the dead body of Asiya. I also crossed the stream and came where Mohammed Ashraf was standing. We three of us lifted the dead body from the ground and carried it to the shore. Thereafter, other people helped us to take the dead body on our arms little distance further. The dead body was face down all along. Meanwhile other people also arrived and they helped us to carry the dead body to the place where shrine is located on the bank. Ambulance and police was already present on the shore. The dead body was taken in Sumo to her home. I did not look for any injury on her face. Our hands were not stained with blood.

On question by CPO assisting the Commission, police had not reached the spot from where the dead body of Asiya was recovered. I put my hands in the middle of dead body of Asiya and did not receive blood stains on my clothes. The clothes of dead body were dry and were not torn. I was so upset, I did not observe whether any pheran had been put in under the dead body of Asiya.

Statement of witness summoned by the Commission Shri Syed Zeerak Shah S/o Abdul Hai Shah R/o Tukroo Shopian (Government employee Police Department) on oath dated: 28. 06. 2009.

The witness states that on 30. 05. 2009, he was posted in Traffic Department, Srinagar. The witness received message on phone that the sister of the witness had died due to drowning. On this, the witness proceeded to Bemina Police Housing Colony to contact his Officer Dy.S.P Farooq Ahmad Zargar. The witness states that he told his officer that his sister had gone to orchard on the previous evening and had died due to drowning. The witness states that Shri Farooq Ahmad Dy.SP permitted the witness to proceed to his home and assured the witness that his leave will be sanctioned. The witness states that he received telephone call at 7.00am and proceeded towards home at about 8.00am in a Sumo vehicle from Batamallo Adda. The witness further states that at 8.00am the Sumo departed from the Batamallo Adda and reached Shopian at 9.45am. The witness adds that his friend Farooq Ahmad Shah was waiting for him at Shopian and he took the witness to Shopian Hospital on his motor cycle. The CRPF did not permit the witness to enter the premises of the hospital. The witness stated that he managed his entry in the premises, by jumping over the rear fencing wall of the hospital and he found his relatives including his mother, brother Syed Shah Nawaz, father-in-law Abdul Salam Shah and one of his friend already present. The witness stated that his relatives informed that the post mortem of his sister is being conducted in the hospital. The witness adds that he told his relations that he wants to see the face of his sister. The witness states that he sought permission to go inside the hospital from one police Hawaldar posted inside the gate of the hospital building. However, the witness adds that the Hawaldar remained standing on the door as such the witness could not enter the room, but the witness could see the face of his sister. When the witness saw the face of the sister he fall down and lost his balance. The witness states that he was given support and brought outside the hospital building. He had a glass of water and sat down.

The witness states he kept waiting for the completion of post mortem outside the room. The witness states that his relations, already inside the hospital premises were sitting alongwith the witness. The witness further states that from a park adjacent to hospital, a noise was heard that , they have run away, on this the witness looked around and again heard a cry that a doctor has run away The witness states he was standing near the door and asked the Havaladar on duty to open the door of the room where the post mortem was being conducted to ascertain if any doctor was present or not. On opening the door the witness found that all the doctors had left the room. The witness states that he was standing in the hospital when he found S.P, SHO and a person in civies running towards the witness. The person in civies told the witness that you people are creating disturbance. On this the witness asked the said individual who was he ? The witness pushed the said person and asked him to leave. The witness states that on this the S.P gazed seriously at the witness and said that it does not matter who he is, but why are you creating disturbance, as these things do happen. The witness on this told S.P had his own sister or daughter been the victim, he would not have said like this. The witness states that the S.P left the spot and went inside the hospital which created doubt in the mind of the witness that it is not the case of drowning, the matter is something else. The witness states that S.P took the father of the witness, alongwith cousin brother Syed Mubashir inside the room of the hospital and told them that you select two legal heirs of each deceased, so that the samples could be sent to Srinagar through them. On hearing the S.P the witness states that he told his relations that the S.P intends to commit some fraud in the hospital, and he can commit the same fraud with the samples in Srinagar. The witness adds that one of his relations Zahoor Ahmad brother of Asiya (deceased) was with him. The witness adds that on entering

the office room he found S.P, Dy.SP, his father and one Ali Mohammad Sheikh r/o Shopian present in the room. The witness states that S.P told him that doctor who conducted the post mortem is also present in the room will reveal the report about the post mortem. The witness states that he asked the doctor, as to why he had fled away from the post mortem room, the doctor, replied that he was scared. The witness states that he informed the doctor that the witness had not created any disturbance and nor anyone among the witness/heirs is the murderer, but you people are murderers. The witness states that he asked the doctor what is the report. The doctor who was male, name not known, replied that the death of the deceased had taken place due to drowning. The witness states that on this he slapped the doctor and told him that you are repeating the words what S.P has told you to reveal. The witness states that he told S.P that the doctor had ran away on your directions, the doctor is revealing what you have asked him to reveal. The witness stated that he and his relations came out of the veranda of the hospital and in the meantime the dead bodies of the deceased were brought out and taken to the D.C Office. The witness states that when he reached Jamia Masjid Chowk from the hospital, he saw dead bodies were brought in the main chowk. The witness states further that he alongwith the people lifted the dead bodies, and proceeded towards hospital where some person came out, and said that doctors had forgotten to conduct one test of the dead bodies. The witness states that on reaching the gate of the hospital, he found S.P resorted to shelling through his policemen resulting in dispersing of the public on spot. The witness states that the people, who were carrying the dead bodies, put down the stretches on one side of the road. The witness states he and his relations and some 10 to 20 people were present on spot and at his request the shelling was stopped. The witness states that the dead bodies

were taken inside the park, however the people were demanding that post mortem be conducted through another team of doctors. The witness states that he and some people present were waiting upto 2.00pm when the doctors arrived from Pulwama. The witness states that the DC Shopian was present on spot and the second team conducted the post mortem of the dead bodies. The people including the witness were waiting outside. The witness states that the team of doctors were given oath of Allah and Prophet(Pbuh) that they should tell whatever is the reality. The witness states that Dr. Nighat assured father of deceased, that whatever be the truth will be revealed. The witness states during the post mortem Dr. Nighat came out of the post mortem room and told the father that it is better for the kashmiris to die. The doctor said that condition of the deceased is so bad that there is no need to conduct post mortem. The witness states that DC present on spot also confirmed that something has happened with the deceased ladies. The witness states that he alongwith his relations were demanding the report of the post mortem till 6.00pm and in the meantime a big bang was heard from inside the room which later on turned to be shelling and this was ordered by the S.P. The witness states that the people outside the hospital got frightened and fled away from the spot. The witness states that he alongwith his relations including some ladies were sitting in the park. The witness states that he consoled the ladies and asked them to keep sitting in the park. The witness states that in the meanwhile the team of doctors, DC, SP left the hospital. The witness states that his relations who were inside took the dead bodies on their shoulders and brought them out . The witness and the relations too came out alongwith the dead bodies and proceeded to the house of sister at Bongam alongwith the dead bodies. The witness on this adds that they did not take dead bodies to the house of his sister because of scarcity of accommodation but took them to

the house of a neighbour. The witness states that the dead bodies were washed and thereafter the Nimaz-e-Jinazah was offered and the dead bodies were laid to rest at about 7.30pm. The witness states that Neelofar deceased had no Cell Phone.

On cross examination, the witness states that he has been posted in Traffic Police, Srinagar for the last three years as driver. The witness further states that however, for one year he was posted on the Beat duty and thereafter was deployed as a driver. The witness states for one year he was on duty to drive a Crane and afterwards he was attached as driver with Dy. S.P Showkat Ahmad. The witness states that the Crane duty would start from 8.00am in the morning and the departure as well as arrival after performing the duties was entered in Daily Diary by the MTO. The witness states that he has been driving Gypsy of Dy.SP Farooq Ahmad for the last 6-7 months. The duty would start from 6-7am in the morning. The witness is residing in MIG Coloney, Bemina in the house of his cousin sister Mst. Poshah. The witness further states that another tenant Abdul Rashid R/o. Khag, a teacher by profession is residing in the same house. The children of the said lessee are putting up in the said house in connection with their studies in Srinagar, however, the lessee Abdul Rashid comes to see his family on Saturday evening and returns back on Monday morning. The witness states that it took him 5-10 minutes to reach the residence of Dy.SP Farooq Ahmad on his motor cycle. The witness states that PSO of Dy.SP enquired on phone from the witness about the duty timings. The name of the PSOs are Faroz Ahmad, Niyaz Ahmad. The witness reveals that the Cell Phone No. of Niyaz Ahmad PSO is 9858403885, Faroz Ahmad is 9906566173 and of Muzaffar is 9797154906 and that of PSO Khursheed Ahmad is 9419987700. The witness states that he has only one Mobile with him and its No. is 9858379715 and he has no other Cell Phone. The witness states he received

waiting call from his wife from her Cell Phone No. 9858367375. The witness states he tried to contact his wife on phone, but despite rings the wife did not pick up the phone. The witness states he wore his uniform and was ready to proceed towards duty, however, in the meantime he received telephone call from his friend Syed Farooq Ahmad Shah through his land line No. 01933-276116. The witness states that the friend told him on phone that Mst. Sheeba Jan sister of the witness has died due to drowning. On hearing the news the witness called PSO Khursheed Ahmad on phone and asked him to inform the Dy.SP about the incident and tell him that the sister of the witness has expired. The witness further adds another tenant namely Ghulam Ahmad alongwith his family also reside in the same house in which witness resides. The witness further states that he handed over key of his room to the son of Abdul Rashid (tenant) and came out on foot. The witness states that he took Auto to proceed to the house of his Officer in order to hand over the keys of the Gypsy to the officer, Dy.SP. The witness states that he handed over the keys to the Dy.SP at his residential quarter at 7.45am in the morning and in the same Auto proceeded to Batamaloo Adda. The witness states further that ten days before the incident, he went to his home Tukroo, Shopian and after staying for a night returned back to attend his duties at 7.30am in the morning from Tukroo to Pulwama in Sumo and from Pulwama to Srinagar in another Sumo. The witness states that on 9th May, 2009 and 14th May, 2009 the father-in-law of Dy.SP was operated upon and the witness accompanied his officer to the Soura Institute. The witness states that he had one brother and one sister who is dead. The witness adds that he belongs to Syed family and the marriage of Neelofar took place three years back in the Ahanger family. The marriage of his sister deceased Neelofar was solemnized according to her will, with the consent of home people and Nikah was performed accordingly. The

witness states that his sister remained out of her home for two days before the marriage and the marriage took place with free will and consent. The witness states that he has many friends, one is Mohammad Yaqoob S/o Mohammad Akbar he is load carrier driver, his cell phone is 9858333926 R/o Tukroo and another friend is Fayaz Ahmad Wani S/o Abdul Salam Wani R/o Tukroo having cell No is 9858453956, Latief Ahmad S/o Ghulam Nabi Bhat with phone No. 9797007986. The witness states that he has three more friends drivers by profession working in Traffic Police Srinagar namely Bilal Ahmad having cell phone No. 9419753563 R/o Shopian, Bashir Ahmad R/o Ganderbal No. 9419538841 and Bilal Ahmad R/o. Srinagar having cell phone No. 9906458676. The witness states that District Anantnag is from Sangam upto Tunnel. The witness adds that on 29.05. 2009 he was posted on duty in district Anantnag alongwith his Officer Dy.SP Farooq Ahmad and every day he would go to Anantnag from Srinagar and return to Srinagar in the evening. The witness states that on the day of occurrence he did not visit his home at Tukroo, Shopian. On 29. 05. 2009 he returned to Srinagar at about 7.00pm. The witness states that he parks the jepsy outside the quarter of Dy.SP and some times keeps the keys with him and but mostly returns the keys to the officer Dy.SP. The witness states that on 30. 05.2009 his wife was not with him.

To sum up the admissions made by *Shri Syed Zeerak Shah S/o Abdul Hai Shah R/o Tukroo Shopian in his statement before the Commission.*

The witness in his statement admits that Dr. Nighat came out of post mortem room and revealed that it is better for kashmiri girls to die because the condition of the deceased girls was so bad that there was no need to conduct post mortem. It is also admitted by the witness that S.P Javid, instead of taking action under law, express that incident of similar nature do happen. The

witness admits that he told the police and doctors on spot that they are the murderers.

Statement of witness Arif Hussain Sheikh S/o Late Assadullah Sheikh R/o Hirpura Tukroo, Shopian, Profession Fireman, Age 38 years on oath summoned by the Commission on 03. 07. 2009 is in verbatim as under;

The witness stated that Neelofar deceased was my maternal sister and she died on 29th/30th May, 2009. I was informed by my younger brother Muneer Hussain about the death of Neelofar. I was in Tukroo on the day of incident. I was in Shopian town to return the bike to the owner of Medical Agency. The owner asked me to take the bike back and I was on way back to Tukroo, when I received a phone call from Muneer Ahmad regarding drowning of Neelofar Jan. I started the bike and moved to Khar Mohalla Bongam. The dead body had not been removed from the river, when my maternal aunt Aisha was brought by my brother Muneer Hussain to Khar Mohalla Bongam. On reaching the Khar Mohalla, I was asked by Muneer to go to Rambhara Nallah and look for the dead body. When I reached the bus stand crossing, I saw my maternal uncle moving in a maruti car who was mourning and crying. This maruti car was followed by a police vehicle and I also followed them till hospital. On reaching the hospital, I alongwith other policemen took out the dead body from 407 vehicle and lodged the same in mortuary. From here I made a phone call to Zeerak and Zeerak's maternal uncle (Saif-ud-Din Shah) informing them about the incident, that Subi Jan has died due to drowning. The deceased was covered with clothes and also had a pheran on her body. There were no marks of violence or blood stains on the face of the dead body of Neelofar. Her feet were wet. The dead body was taken on a stretcher. After half an hour, second

dead body was brought to hospital for post mortem. The second dead body was of Asiya. First dead body was taken for post mortem at 8.45am. I saved my elderly maternal uncle and left the place. People were saying that the rape has been committed and post mortem should be conducted properly. People pelted stones and police fired teargas shells. I have got nine mobile sim cards in my name, out of which I have given one number 9419985802 to my neighbour Mohammad Hussain Malik, 9419769196 to Gulzar Ahmad Mir, 9858707330, 9306059106 to my sister (Posha), 9419985652 to my sister Firdousa Akhtar, 9469119966 to my maternal uncle Ghulam Rasool Wani, 9858982330, 9419769208 are with me besides land line No. is 01933-272592. 9306059106 has been given to my sister Poshah about one and half year back. All the eight mobile and one WLL are in my name. I am matric pass. I have failed four times in matric because of poverty.

Statement of witness Mst Poshah W/o Nissar Ahmad Bhat R/o Tangwani, age 30 years, housewife on oath summoned by the Commission on 03. 07. 2009 is in verbatim as under;

The witness, appearing on her own, stated that deceased Neelofar was my maternal sister. I am educated and have studied upto 11th class. Neelofar died on 29th of May, 2009. I was informed by Farooq Ahmad who is an employee in the Kellar Hospital, that two girls have committed suicide in village Tukroo by drowning. I rang up my home people at Tukroo by using land line telephone, but no one replied on the telephone. I rang up my brother Arif Hussain Sheikh but he had no knowledge about the incident. Then I rang up my younger brother Muneer Hussain and he informed me that probably Subi Jan has committed suicide. I was at Tangwani and I asked my husband that we must go to Shopian to find out the truth. When we reached Tukroo, there were many

people who had collected at Tukroo. Then I alongwith other relations came to Shopian in our Safari vehicle. We came to hospital every body was weeping I also started crying. I have never talked to Neelofar Jan on telephone or on mobile phone. Neelofar was my maternal sister. If some civilian would have committed this crime, he would have been exposed. Papers reveal that the act has been committed by police or some other state agency. My husband is mechanic in Agriculture Department. His is posted in Malangpora. My brother-in-law Ajaz Ahmad has fruit business. The safari vehicle is in the name of Ajaz Ahmad. My mobile No. is 9697362137 before this I was having another No. 9858707330. I had no other phone besides this. My husband's No. is 9018539922. He does not have any other number. Our land line No. is 272333. My husband had Airtel number which was taken by our business associates who had come from outside, I do not remember the full number. I have never talked to Shakeel Ahmad on telephone No. 9858707330. The phone was closed because some boy would make some nuisance calls. All family members have mobile phones. I have two children. I have never been to the house of Neelofar after her marriage. Zeerak is my maternal brother. I talk to him on my mobile phone. I have never talked to Neelofar on mobile phone. The number of nuisance caller as verified from the mobile phone is 9858672321. I have no relation or acquaintance with telephone No. 9622769121 and also of telephone No. 9622901219. We have relations from Khag and Magam side. The telephone No. 9858707330 was with my brother-in-law in the month of May, 2009. He might have made calls to his business associates. I talk to Arif, Munir, Nissar Ahmad, Afroza (Fatehkadal), Henna(Pampore) Firdousa, (Tukroo, Sister) who are all my relations.

The Commission summoned CRPF personnel reportedly to have been deployed on sanitary duty between the night of 29th/30th May, 2009. The CRPF personnel were produced before the Commission and examined accordingly.

Guard Commander B. B. Kumar, Head Constable CRPF camp posted with 14 Battalion Batapora, Shopian has deposed that on 20th May, 2009 he was posted as Guard Commander and had to ensure that sanitary posts are manned by constables from river side of Rambi Ara Nallah. The guards were under instructions to report any suspicious movement in the Nallah during their duty in the intervening night of 29th/30th May, 2009. The witness adds no suspicious movement of vehicles was reported in the Nallah from 2.00am to 4.00am on 30th May, 2009.

Pradeep Kumar, Constable 14th Battalion, C-Company, CRPF located at Batapora, Shopian has stated that during the intervening night of 29th/30th May, 2009, he was on guard duty from 4.00am to 6.00am in the post, which is located on the bank of river Rambi Ara Nallah. The witness adds that he was having a search light, which illuminate the river upto 200 mtrs during the night. The witness adds that from 4.00am to 6.00am, he did not notice any suspicious vehicular movement in the Rambi Ara Nallah river.

Statement of witness Gazi Abdul Kareem Sub Inspector, Police Station Shopian on oath summoned by the Commission on 16.06. 2009 is in verbatim as under;

The witness stated that on 29th May I was posted in P/S Shopian as second officer. Between the night of 29 and 30 May 2009 at about 12.00 mid night I was called by Munshi of Thanna H.C Riyaz Ahmed to Sarishta and told that one Shakeel Ahmed along with his relatives has attended P/S contending that his

wife Ms. Neelofer and sister Ms. Asiya had gone to their orchard at Nagbal and had not returned back to home. On this missing report was entered in the daily diary of the P/S vide No.28 dated 29/30 -05-2009. and the extract of the same was given to me . On this I along with the nafri and also the relative of the missing ladies proceeded to orchard at Nagbal in the police vehicle in search of the missing individuals. I along with the nafri accompanying searched for the missing ladies in their orchard but nothing could be found. The complainant Shakeel told me that one inhabitant Gh. Qadir Sheikh informed him that he had seen his wife and his sister named above on the main road while he was washing his tractor. On enquiry Gh. Qadir revealed that said Neelofar and Asiya proceeded towards nallah near about 7.30 pm. On this we went towards the nallah in search of the said ladies. Shakeel and another were carrying torch. The torch could not cover the distance across the nallah. We moved towards the Batpora Zavoora bridge connecting nallah and enquired from Shakeel if he had any enmity with anybody so that they could look for it, which he replied in negative. After this we approached towards location of Zavoora Police lines and searched the building (deserted one) under construction and found a chowkidar namely Fayaz Ahmed R/o Villgam who further stated that the labourers engaged are putting up in adjacent building under construction. We conducted search of the rooms where the labourers were asleep but could not trace out the missing ladies. We also searched adjacent buildings under construction but of no avail. On this we returned back to Police station along with the nafri accompanying and advised Shakeel and his accomplice to return home and we will undertake the task of searching. Shakeel and his relations were told by me to come in early in the morning so that a fresh search could be performed, Shakeel and his relations had already reached near police station early and the police party proceeded towards the

nallah a bit late when the Shakeel and his relation proceeded towards the nallah. Shakeel and his relations had already reached near the bridge when we arrived. Before we could move SHO appeared in his own vehicle along with his escort. On the directions of SHO, I proceeded towards orchard Nagbal along with six constables/SPOs. Before I could cover the distance of 100 mtrs. I heard the cry that the dead body is lying in the nallah Rambh Ara. SHO and his nafri including Shakeel and his relations had gone towards police line area and the dead body was recovered at 6.30 am and was being carried by about four persons. I saw the dead body of Neelofar and the clothes were not torn but still pheran was put on the body by her relations and the photographs of the dead body were taken on the bank of the nallah on the instructions of SHO by the photographer of the Crime attached with the police station Nazir Ahmed Head Constable. I prepared the site plan. There is a road which is meant for vehicles to come down river for washing. I have not shown the road in the map. I cannot explain why I have not shown the road. It is possible that the dead body could have been taken in a vehicle right up to the stop from where the dead body was recovered. I did not order any person of my force to cordon of the area in order to preserve the tyre marks and other evidence that may have been available from the spot. I had less police force. In fact we got our vehicle down from the same road from which the dead body might have been carried by the culprit without taking the samples of the earlier tyre marks or foot marks of any person. I looked for any foreign matter but found nothing at the place of recovery. I left the spot without leaving a guard to protect the evidence which might have been available. Dead body of Neelofar was sent to hospital along with H.C Abdul Rashid. I continued search of another body and near the Ziarat Hazrat Baha-ud-Din Sahib. The second dead body of Asiya had already been lifted. I went on spot after five minutes. I examined the dead

body on spot and found that her left nostril of nose was bleeding, there was a wound on her forehead and another injury near her left eyebrow. The dead body of Asiya was fully clothed. I looked for clothes and other foreign material near the place of recovery of dead body. The dead body was wrapped in frock and pajama. No difference would be made by cold climate or hot climate on a dead body because dead body has no sensation. The relations had covered the dead body with a blanket. The relations did not agree to cooperate with the investigating agency in spite of my request. I had three nafri with me and I left the spot without guarding it for protection of evidence, if any available. The dead body of Asiya was taken to her home Bongam Shopian by her relations and on my insistence for about 30 minutes the relations of the deceased agreed to take her to hospital. Before this I prepared the recovery and identification memo of the dead body in presence of the witnesses. The injury memo in respect of both Asiya and Neelofar was written and compiled in the hospital campus by me. I have not written any measurements of the injuries which were inflicted on the skull of the deceased Asiya nor I have mentioned the probable weapon which could have caused the injuries. I cannot explain why I did not write the details of the injury and also the weapon which could likely have been used to cause the injury. The injuries could have been caused by a sharp edged weapon. Normally the injury on the head attracts offence under section 307 RPC, even in such cases where the death has not taken place. While I was waiting for the first team of doctors to conduct the post mortem examination, which was still in progress, I received a docket daily diary extract (Nakli mad) directing me to inquest under section 174 CRPC. The photocopy of daily diary report No.37 dated 29.05.2009, in which direction was communicated has been shown to me, the contents are correct, it is marked as G1 for identification. I got direction from SHO to proceed to conduct inquest

proceedings under section 174 CRPC in case of both the dead bodies. I do not know whether the refusal to register case under relevant section of law regarding the death of Asiya was legal or illegal in view of the direction conveyed to me to proceed to conduct inquest proceedings under section 174. Post mortem of both the dead bodies was conducted by Dr. Bilal and two other female doctors. The first team of doctors completed the post mortem of both the dead bodies in all respects. I believed the statement of doctors that they had completed the post mortem after taking the samples of all required organs for Forensic Science Laboratory for test. I have no idea as to which organs are required by Forensic Science Laboratory. The people around were insisting for the opinion regarding cause of death, however, the doctors said that the opinion cannot be given in absence of FSL report, this infuriated the crowd who have gathered outside the hospital. FIR was lodged for attack on the hospital. I cannot explain why FIR was not filed on the basis of injury which was present on the skull of the dead body of Asiya and prompt FIR was lodged against the people for pelting the stones on the hospital building. Normally under law FIR should have been lodged under section 302 on the basis of injury which was present on the skull of Asiya probably causing the death of Asiya. If FIR would have been filed people would still be angry and if FIR would not have been file people would remain resentful against the Government. FIR was filed under offences 302 RPC on 8th June 2009. The hartal in rest of the valley excepting the town of Shopian was not continued after filing the FIR, but I do not remember the date from which the hartal was stopped. The call was given by separatist leaders to continue with the hartal, therefore hartal continues till date. The call of hartal was given on the resentment of Hurriyat against the police department and their inaction. Had the FIR been filed on 30 and 31st May or 1st June 2009 under relevant provisions of law the Hurriyat people

would not get an excuse to give a call for hartal. Hartal cause loss to business , students and to tourist trade. The delay to file FIR has caused resentment against the Government and damage to the image of police. I have made no effort to submit to the SHO that in view of the injury on the head of the dead body of Asiya, FIR should be registered under relevant sections of law.

To sum up, the admissions made by S.I Gazi Abdul Kareem in his statement before the Commission :

1. S.I admits that he did not cordon off the area from where the dead body of Neelofer was recovered as envisaged under Rule 601 Police Manual.
2. The motorable road by which the dead body of Neelofar might have been carried has not been shown in the site plan.
3. The tyre marks of the vehicle carrying the dead body were not preserved.
4. Dead body of Neelofer was not examined for recording external injuries, before being taken out of nallah.
5. The dead body of Neelofer was not photographed, when the dead body was resting on boulders in the nallah.
6. No tractor trolleys operating in the area were seized for inspection and detection of blood stains.
7. The pheran was permitted to be put on the dead body of Neelofer, thereby destroying any evidence present on the dead body.
8. Golden ornaments present on the dead body not stolen from the dead body of Neelofar, leading to inference that theft, robbery was not the cause of death.

9. No history of drowning in the Rambh Ara Nallah and no chance of drowning in shallow water of the river, yet no FIR filed.

10.No reminder sent to scientific experts of Forensic Science Laboratory to expedite sending of report of rape, which was ready on 2nd June 09 and was sent by them on 6th June 2009, which delay could have been avoided.

11.No justification to refuse registration of FIR, in view of in violation of section 157 CRPC read with 579 and 580 of police manual as reproduced above.

12.Admits that although there was head injury on the dead body of Asiya, yet he made no efforts to register an FIR.

13. In spite of grave injury with the sharp edged weapon measuring 2X3 cm long and 1 cm deep on vital spot of head, yet no FIR lodged under any relevant provision of RPC.

14.No details of measurement of injury present on the forehead of dead body of Asiya recorded in injury form.

15.No questionnaire submitted to doctors conducting post mortem asking opinion as to the nature of weapon likely to have caused the grave injury on the head of Asiya.

16.Witness admits that by delaying the FIR, resentment has been caused and hence the image of administration and Police Department has been disgraced.

Statement of witness Shafeeq Ahmad, SHO, Police Station Shopian on oath summoned by the Commission on 12. 06. 2009 and 16.06. 2009 is in verbatim as under;

The witness stated that on 29th of May 2009 I was posted as SHO Shopian. I have been on this post since October, 2008. One Shakeel approached me at 11.50 PM with the oral complaint that his wife Neelofar and his sister Asiya had gone to their orchard at Nagbal at about 4.00 PM but they have not returned. I entered the report in the Roznamcha vide Daily Diary report No. 28 and started search of the missing girls. Police party headed by one Sub-Inspector Gazi Abdul Kareem and nine police personnel were deputed for search, the search party were given a vehicle to conduct the search. The search party returned in the morning of the intervening night of 29th and 30th May at 3.00 AM. The relations of the girls were also accompanying the police search party. The search was resumed by an advance police party at 5.15 AM in the morning of 30th May, 2009 and I also left to search for the girls after five minutes of the departure of first search party. A signal was also dispatched to Police Control Room Shopian to be communicated to other police control rooms. I informed the S.P. Shopian on telephone around 5.30 to 6.00 AM. When I arrived at the Batapora Zavora bridge which is on Rambi Ara Nallah river the other members of the search party also reached within a few minutes duration. I made enquires from Shakeel about the location of the orchard. I alongwith other members of search party came down from the bridge and started searching on the bank of river Rambi Ara Nallah on the Zavora Nagbal side. I must have covered nearly 100 mtrs from the bridge when I alongwith Shakeel found bundle of clothes on a elevated place in the river. I directed the brother of Zahoor whose name probably is Manzoor to go to the place and ascertain what sort of clothes are in the river. Manzoor on my direction went back to the bridge and crossed the river and came to the other side and inspected the bundle of clothes which were lying in the water.

Manzoor on inspecting the clothes informed that it is the dead body of Neelofar. Shakeel wanted to cross the river but I prevented Shakeel in crossing the river, because the flow of the river was fast and there was apprehension of Shakeel being swept by the flow of water. I alongwith Shakeel crossed the river over the bridge and came to the place where the dead body was identified by Manzoor. The dead body had already been pulled out of the river by Manzoor. The dead body of Neelofar was naked near the bally but her pajama was on her body and her firaq also was on her body. I rang up the Police Station, called the photographer, the photographer took photographs. Meanwhile many people had gathered on spot. They picked up the dead body of Neelofar and loaded in the police vehicle. We resumed our search to trace the second girl Asiya. I alongwith search party when found nothing returned to resume the search towards the down flow of the river, till the confluence of the river near the village Botapora, beyond the camp of CRPF. I directed the police party who was accompanied by civilians to continue the search of more distance towards the down flow of river Rambhara I resumed the search towards the upper side of the river. At about 7.15am I was informed that the dead body of Asiya has also been recovered from the centre of river Arhama. I returned and proceeded towards the place where I was informed the dead body was found, and when I came on spot the dead body had already been taken out of the river by the civilians. I went to the home of Shakeel Ahmad because the dead body of Asiya had been taken by the civilians. The second dead body which was under my custody had been shifted to the hospital. The relatives of deceased Asiya insisted that they do not want autopsy to be performed on the dead body of Asiya. On the intervention of some respectable citizens of the locality the relations of deceased Asiya were convinced that it would be expedient to conduct the autopsy of the dead body of Asiya as a legal

requirement to establish cause of death. Police vehicle was called and the dead body was taken to the hospital. I went back to the police station to resume my duty. Report was filed in the Daily Diary vide report No. 37 dated: 30th May, 2009 at 7.45 AM. The inquest proceedings were initiated under section 174 CRPC and other nafri was sent to hospital to facilitate the autopsy on the dead bodies. I personally went to hospital to ensure that the doctors would perform the autopsy. The doctors took the dead bodies to mortuary and started the autopsy around 8 am or 8.15 am and then I returned to Police Station. I was informed in writing that there has been a law and order problem at the hospital. The mob which had collected around the hospital had damaged the hospital property by pelting and an FIR was lodged under section 148, 147, 336, 427 RPC. I returned with more nafri to hospital. As the mob was increasing and getting out of control the cane charge had to be ordered to disburse the crowd. Meanwhile, SP also came on spot. The people were insisting that doctors should give on spot opinion about the cause of death. The doctors submitted the autopsy report which we received. The doctors had endorsed that the opinion about cause of death can be given after the receipt of the report of the Forensic Science Laboratory. People were not satisfied with the report of the doctors. After consultation by the Deputy Commissioner and SP afresh team of doctors to conduct second autopsy was constituted. The second team was summoned from Pulwama and they arrived at 2.00 PM and conducted the autopsy second time. The autopsy was conducted without presence of any police officer. They completed the autopsy around 2.30 to 3.00 PM and came out of the mortuary to inform that they cannot give any opinion about the cause of death. The doctors verbally informed that they cannot give any report about the cause of death. The dead body was handed over the people who were waiting outside and then they left. The dead body

was buried by the relations and the people of the locality at evening. The viscera which was collected by the doctors was sealed and send to Forensic Science Laboratory for test through police vehicle accompanied by Head Constable Ghulam Nabi at 9.15pm. On reaching Srinagar Head constable informed me that the doctors have not completed the formality of sending the samples as per the requirement of the Forensic Science expert. I rang up the doctors who had performed the second autopsy and asked them about the requirement of the Forensic Science Laboratory to procure all requisite samples of the dead body of the two girls. The team of doctors went to Forensic Science Laboratory at Srinagar completed the formality which was required by the Forensic Science expert. The first autopsy report prepared by the doctors of first team was taken back by the doctors who had gone to Srinagar and the doctors prepared a second autopsy report and handed over the same to the Forensic Science expert at Srinagar. Constable Ghulam Nabi who was sent alongwith the sample remained in Srinagar and could not return because the traffic was stopped between Srinagar and Shopian by the agitated mob at various places. On 30th of May, 2009, a Special Investigating Team was constituted by DIG to be headed by Dy. SP Mushtaq Ahmad.

On question by Abdul Majeed assisting the Commission, the witness stated that my service tenure is 14 years. I was initially appointed as Sub-Inspector. I have read the Police Rules regarding investigation. The police rule provide that on recovery of a dead body, the dead body should not be removed from the scene of occurrence unless all available relevant evidence is collected and safely preserved. The shifting of dead body by Manzoor could not be prevented because Manzoor had already reached the place where the dead

body was located and in spite of my shouting Manzoor could not hear because of the loud sound of gushing of the water. Four Police personnel were with me. The four police persons were not with Manzoor. Manzoor had gone all alone to search the bulging clothes which were detected in the centre of the river. It was possible for Manzoor to lift the dead body out of the water in spite of the speedy flow of water at the place from where the dead body was found lying. Manzoor got the dead body out by pulling the hand of the dead body. By pulling the dead body it is possible that the dead body would have received bruises and scratches due to stones and boulders which were present on the bed of the river. Photographs were taken when the dead body was brought of the water. No photograph was taken of the place from where dead body was initially found to have been lying. Deceased Neelofar was the wife of Shakeel. Showkat is a friend of Shakeel. Manzoor is brother of Shakeel. They were all accompanying the search party. It is not a fact that I initially identified the dead body, when I was standing on a bridge as deposed by Shakeel Ahmad, Showkat Ahmad and Manzoor Ahmad in their affidavits. The clothes which were on the body of Neelofar were not torn as deposed by Shakeel, Manzoor and Showkat in their affidavits. The Camera team was called after the dead body was found lying on the ground. I found the ambulance when I returned to the bridge. I did not called for ambulance. The statement of the witness could not be concluded for paucity of time as it is already 6.00 PM and the SHO is required to attend to law and order duty in Shopian town as the town is still observing hartal as protest. The remaining statement will be recorded on the next working day.

The witness stated that I did inform all members of the search party who were relations of the deceased persons not to touch the dead body unless the

recovery was reported to me. I had not informed the police personnel who were with me conducting search that they should not, of their own, allow any person to touch the dead body or to remove it from the spot. I directed constable Sajad Ahmad to accompany Manzoor Ahmad when the bundle of clothes, and constable Sajad did accompany Manzoor Ahmad to investigate about the nature of clothes found in the river. I had not directed constable Sajad to ensure that the dead body is not touched by anybody on recovery and the dead body is not shifted from the place of recovery. Manzoor had already pulled out the dead body before the arrival of constable Sajad because Manzoor was already on the other bank of the river and in spite of my shouting he did not hear me. I directed constable Sajad to accompany Manzoor when Manzoor had already crossed the bridge on the other bank of the river. I informed the search party to move away from the place where the dead body was kept. I did not cordoned off the area to preserve evidence. We did not have any facility to erect a screen so that the dead body could be shielded from public gaze and I could proceed to examine all parts of the dead body. I only saw the face of the dead body. I did not make notes of the possible injuries on the dead body of Neelofar at the time of recovery of the dead body. I could not open the clothes of Neelofar in the open. I have investigated the murder case in Rafiabab. I cannot remember investigating of any other murder case. I cannot remember conducting any investigation in any rape case. If a dead body is found in a remote forest where there is no habitation, and no chances of any person walking along the place of occurrence then in that eventuality it is mandatory that the place must be cordoned off. I did not cordoned off the area where the dead body of Neelofar was recovered because I did not have manpower. I had requested Police Control Room to arrange for additional deployment. They informed the police lines and

meanwhile the dead body was removed. Nobody attacked me on the spot. I did not post any police men who were with me because we had to conduct another search. I can give no reason why I did not post any of the four police men who were with me to guard the place from where the dead bodies were recovered. The site plan was prepared by SI Gazi Abdul Kareem. I saw the site plan. There is a road used for lifting of sand and pebbles from the stream and tractors and small load carriers can approach the place from where the body of Neelofar was recovered. Small maruti car cannot approach the spot. I did not check any tractor trolley who normally operate in the area for identification of possible blood stains in the trolleys. There is no indication of existence of any road in the site plan prepared by SI Gazi Abdul Kareem of the place from where the body of Neelofar was recovered. I cannot explain why the road is not shown in the site plan. I did not inspect the place from where the dead body of Asiya was recovered. The site plan of the place from where the dead body of Asiya has been recovered was prepared by SI Gazi Abdul Kareem. There is no endorsement of any road from any side to the place from where the dead body was recovered. I have seen Arhama Masjid which is at a distance of one and a half kms from the bridge. The dead body of Asiya was recovered in the middle of the river Rambhara, in the vicinity of Ziarat Hazrat Bahau-Din at a distance of 500 mtrs from the mosque. The place where the body was found from middle of the river must be one km away from other bank of the river on which there is a Army Camp. The depth of the water can be upto 10 feet at certain places and at other places 3 to 4 feet. The depth of water can be 10 feet at Batapora bridge. The flow of water at certain places is fast and at certain places is slow. There has been no death due to drowning during my tenure. I did not enquire whether there has been any death due to drowning during past ten years. If the then Deputy Commissioner, Shopian has made a

statement that there has been no death during the last 10 years due to drowning in River Rambhara Nallah that information must be correct. I did not see the any part of the dead bodies of Neelofar and Asiya even at the time of post mortem. The age of Asiya must have been around 17 years and her built was of light weight between 30 to 40 kgs. At this time if a weight of 30 to 40 kgs in a gunny bag is made to float in the river Rambhara Nallah it will not cover a distance of one and a half kms. There was no rain between the night of 29th and 30th May, 2009. There has been continuous rain during previous twelve hours of the night in Shopian. The water must have risen due to the rain in the Nallah. I did not presume that the death of Asiya was due to drowning at any point of time. Asiya did not have any fatal ailment. She was a healthy girl. There was a wound on the head of Asiya. If the wound on the head is deep it can cause death but if the wound is not deep it cannot cause death. In case of injury with a sharp edged weapon on the head, caused with the intention to cause death, can be indicted under section 307 RPC and if the intention is not to cause death 325, 326 RPC. S.P Javid Ahmad did not tell me not to register the FIR. DIG Rajesh Kumar also did not tell me not to register FIR. I can give no reason why I did not register FIR even under section 323 or 324 RPC in spite of the fact that there was an injury on the vital part of the head of the dead body of deceased Asiya. After post mortem rumours were floated that the rape and murder has been committed by Security Forces. I did not proceed to investigate in the CRPF camp whether any jawan had proceeded on leave, whether any jawan had any marks of scratches on his face, neck or back and whether there was any deployment of patrolling during the period of 8 PM on 29th of May and upto 5.30 AM on 30th of May, 2009. I had forwarded the dead bodies alongwith injury report prepared by SI Gazi Abdul Kareem at the time of post mortem of dead bodies. The measurements of injuries of the wound

which was present on the head of Asiya have not been recorded in the injury report, and the memo has not been prepared in presence of any witness. The memo is simply signed by SI Gazi Abdul Kareem. The subsequent questionnaire has also not been prepared requiring the expert medical team conducting the post mortem for opinion regarding the nature of the injuries and also the nature of the weapon which caused the injuries. The golden ornaments were present on the dead body of Neelofar which suggested that the theft or robbery was not the motive of her mysterious death. In spite of the public anger and allegations that both the dead bodies have been raped and murdered and also the serious allegation that the rape has been committed by the security forces, I did not deem it expedient to ask Dr. Nighat as to whether rape has been committed on both or either of the two dead bodies. The first Special Investigating Team was constituted on 30th May, 2009. I was not prevented by any direction from my superior officer to stop investigating in the case. I did not ask Dr. Nighat at any point of time whether rape has been committed on two girls or not. It is possible that if an FIR would have been registered on 30th May and investigation would have been speeded up resulting in some arrests the anger and resentment of the public would have been less. It is also a fact that at this time there is lot of anger against police department. If some clue would have been found after registration of FIR on 30th May, there would be no resentment against the police. If I had consulted Dr. Nighat and sought her opinion about the prima-facie existence of rape, and had Dr. Nighat revealed that the two girls have been raped, I would have filed the FIR and there would have been no public resentment. I did not personally enquire from Dr. Nighat whether rape has been committed or not. S.P Javed had asked me about the cause of death. I informed the S.P that the death is under suspicious circumstances. I have no information about the joint press

conference of IGP and Divisional Commissioner, Kashmir that the death is due to drowning. I did enquire from the Dr. Bilal whether all samples required for Forensic Science Analysis have been taken. However, I did not enquire from Dr. Nighat. From my experience it is possible that the girls had been raped and in order to cover up the rape they have been murdered. If all precautions would have been taken during investigation, the essential evidences would have been preserved. I have no knowledge as to where the Form Tashadud (Injury Memo) was prepared by the SI Gazi Abdul Kareem. The injury memo is prepared after the inspection of the injuries which are apparent and visible to the eyes on examination of the body. The SI Gazi Abdul Kareem had reported to me verbally that there is an injury on the vital part of Asiya and there is no injury on any part of the body of Neelofar, yet FIR was not registered.

To sum up , the admission made by Shafiq Ahmad, SHO Police Station Shopian.

1. SHO admits that the police rule provide that on recovery of dead body, the dead body should not be removed from the scene of occurrence unless all available relevant evidences is collected and safely preserved.
2. Admits that no photographs were taken of the spot from where the dead body of Neelofar was initially found.
3. Admits that photographs were taken on the dry place where the dead body was shifted after recovery from the nallah.
4. Admits that he did not direct Constable Sajad to ensure that the dead body is not touched by anybody on recovery and the dead body is not shifted from the place of recovery.
5. Admits that he did not cordoned off the area to preserve evidence.
6. Admits that he did not make notes of possible injury on the dead bodies at the time of its recovery.

7. Admits that he cannot give reasons as to why he did not post any of the four policemen who were with him to guard the place from where the dead bodies were recovered.
8. Admits that site plan prepared by Gazi Abdul Kareem, SI was initially seen by him but he did not direct the SI to depict the road approaching the Rambhara river.
9. Admits that he did not check any tractor trolley which normally operates in the area for identification of blood stains in the trolleys.
10. Admits that he cannot explain why the road is not shown in the site plan by the SI who was investigating the proceedings under my immediate supervision.
11. Admits that DIG South or SP Shopian did not restrain him from registration of an FIR and he cannot give any reasons that why he did not register FIR even under section 323, 324 RPC in spite of the fact that there was injury on the vital part of the dead body of the deceased Asiya.
12. Admits that injury on the vital part of the deceased Asiya was noted but not properly recorded.
13. ***Admits that the death of Asiya could not have been due to drowning.***
14. Admits that he did not deem it expedient to ask Dr. Nighat as to whether rape has been committed on both or either of the two deceased.
15. Admits that if the FIR would have been registered on 30th May, 2009 and investigation would have been speeded up, the anger and resentment among the public would have lessened.
16. Admits that if he had consulted Dr. Nighat and sought her opinion about the prima-facie existence of rape, an FIR would have been filed.

17. Admits if all precautions would have been taken during investigation, the essential evidence would have been preserved.

18. Admits that the injury memo is prepared after the inspection of the injuries visible to an open eye on the examination of the dead body.

Statement of witness Mr. Rohit Baskotra, Dy.S.P Headquarter, Shopian on oath summoned by the Commission on 18. 06. 2009 is in verbatim as under;

The witness stated that I am at present Dy. SP Headquarter Shopian as supervising officer of the police station, Shopian. I have been posted in August, 2008. I have been appointed in October 2001. I am member of the Recruitment Board of IRP Battalions in South Kashmir only. I had gone to Anantnag and thereafter to Srinagar on 29th of May, 2009 on official work. I returned back in the evening of 29th May, 2009. In the morning of 30th May, 2009 I again left for Anantnag on official duty. I was asked by the DIG to return back to Shopian. I reached the hospital at Shopian at about 10.00 AM. Crowd had gathered at the gate of the hospital and I walked and entered the hospital. People were pelting stones on the hospital. I tried to pacify the crowd. I was directed by the SP to go to Kigam on official duty and I left for Kigam at about 12.30 PM. I attended the official work at Kigam and returned at about 1.30 PM. I returned to hospital. The team of doctors was inside the hospital. I was at the gate controlling the mob. The second gate of the hospital was broken by the mob then cane charge was resorted to disperse the mob. I did not see the doctors conducting the post mortem. I stayed guarding the hospital till late hours in the night. Information was received about the death of Numberdar of Nasralpora Kellar by assault on him. I informed the higher authorities.

On question by CPO assisting the Commission, the witness said that I would supervise the investigation of the crime of police station Shopian. I was

informed in the morning that dead body of a lady has been recovered. I asked SHO for information and was informed that the dead body is of the ladies who had gone to the orchard on the previous night and was missing since then. In spite of information of the recovery of dead body, I left for Anantnag on official duty. I must have left for Anantnag at 6.30 AM on 30th of May, 2009. I rang up the SHO when I was travelling on my vehicle on way to Anantnag. I did not remember the exact spot from where I called the SHO. I did not go to the exact spot from where the dead body of Neelofar and also Asiya were recovered but I went up to the Zavora bridge. I even went in the Nallah just behind the present District Police Lines. The place from where the dead bodies had been recovered had not been cordoned by the SHO. It is mandatory that the place where the dead body is found has to be cordoned off to preserve evidence. I did not take any action against the SHO for his failure to cordoned off the area. I have seen the photographs of the dead bodies. The photographs of dead body of Neelofar have been taken at the exact spot from where the dead body was found, but the dead body of Asiya was removed to one side and then photographed as appears from the photographs. Dead body of Neelofar had already clothes on when she was recovered but some one had put a pheran on the dead body. The dead body of Asiya was also covered with clothes, but the dead body had been covered with a blanket. It is possible that by wrapping the dead body of Asiya in a blanket and by putting the dead body of Neelofar in a pheran, any evidence like hair or thread of the sweater or cloth of the culprit could have been traced to use as an evidence to identify the culprit and the same was lost. I did not take any action against the SHO. I have not seen the exact spot where the dead body of Asiya was found in the nallah. The photographs shown to me of two girls are of Asiya and Neelofar. Asiya is shown wrapped in a blanket and Neelofar in a pheran. Tractors with trolleys

move in the Rambh Ara Nallah to extract sand and stones. Sumo jeep can also ply in the Nallah. The dead bodies must have been thrown between 2.30 am to 5.30 am in the morning of 30th May, 2009. It is not possible for one man to carry two dead bodies and place them at a distance of one and a half kms separating to two dead bodies. A tractor or a sumo or an animal can be used to carry the dead bodies to the place where they were thrown. I did not check as to how many people possess horses in the vicinity of the place where from the dead bodies were recovered. I did not check the tractor trolleys for identification of blood stains, which operate in the area of Rambh Ara river. I did not check the tractor trolleys and saddles of the horses because Special Investigating Team (SIT) was set up to investigate the murder case. The first SIT was set up on 30th May, 2009 by the DIG SKR. I was not directed by the DIG SKR not to continue to investigate and ascertain the cause of death of the two girls. I was still continuing with the investigation through my team. The husband of Neelofar and brother of Asiya did not suspect any person in the foul play. He did not suspect the involvement of forces in the murder. People can suspect anybody. The police station was not stoned but the J&K Bank building was stoned. There is resentment against the police department because of the present incident. I cannot say why the people are annoyed with the police. I have never heard any body from public saying that SOG personnel are involved in the death of the two girls. The Shopian town is under hartal since last 17 days. The demand of the people is to produce and arrest the real culprit and that is why they are observing hartal in the town. I never saw the dead body of Asiya. I read in the police diary that Asiya had an injury on her forehead. If a person is hit with a sharp weapon on the head and injury is caused, FIR can be filed under section 324 RPC. There is no provision which forbids registration of FIR during the pendency of inquest

under section 174 CRPC. I cannot give any reason why FIR was not filed even under Section 324 in view of the injury which was existing on the forehead of Asiya. I have read the Police Manual. I have read the chapter which provides procedure for conducting investigation from the manual. In the Police Manual it was mandatory for me to proceed and visit the place where from the dead bodies of Neelofar and Asiya had been recovered and to look for evidence. I did not go to visit the place of recovery of dead bodies because I was busy with law and order problem. There were other officers including SP, Dy.SP(Ops.) SHO, and CRPF deployment to look after the law and order problem. Beyond the above stated explanation, I cannot give any other explanation. SHO met me within the premises of hospital Shopian. I enquired from SHO as to what is the condition apparently of the dead bodies. SHO had initiated proceedings under section 174 CRPC and he informed me about this fact. I approved of his action. The Executive Magistrate was not informed about the initiation of proceedings under section 174 CRPC. I was not informed about the missing report of the girls during the night of 29th & 30th May, 2009 by the Police Station. The search party had left between 5.00 and 5.15 AM in the morning of 30th May, 2009 from police station. SHO did not intimate me when he left the police station in the morning of 30th May, 2009. I was informed by Police Control Room about the recovery of dead bodies.

To sum up , the admission made by Mr. Rohit Baskora, Dy. SP Headquarter, Shopian.

1. Admits that he had to supervise the investigation of all crime falling within the jurisdiction of Police Station Shopian.
2. Admits that he did not go to exact spot, where from the dead bodies of Neelofar and Asiya were recovered.
3. Admits that it is mandatory that the place where the dead body is found had to be cordoned off to preserve evidence.

4. Admits that he did not take any action against the SHO for his failure to cordon off the area being Supervisory Officer.
5. Admits that the photographs of the dead body of Asiya were taken after it was removed from the actual spot where it was lying, in the Nallah.
6. Admits that had the precautions been taken to preserve evidence there was likely-hood to find evidence like hair, thread of the sweater or cloth of the culprit, which was lost because of failure on the part of police by shifting the dead bodies from its actual place.
7. Admits that he received no direction from DIG SKR not to continue with the investigation and to ascertain the cause of the death of the deceased.
8. Admits that there was resentment against the police department because of present incident.
9. ***Admits that he never examined the dead body of Asiya and only perused the police diary and found that Asiya had sustained injury on her forehead.***
10. ***Admits that FIR can be filed under section 324 RPC if a person is hit by a sharp weapon on the head and there is no provision which forbids registration of the FIR during the pendency of inquest proceedings under section 174 CRPC.***
11. Admits that there were other officers present on spot near the hospital who could deal with the law and order problem.
12. ***Admits that the Executive Magistrate was not informed about the initiation of proceedings under section 174 CRPC.***

Statement of the witness, Mr. Javed Iqbal Mattoo, the then S.P. Shopian on oath summoned by the Commission on 11th and 12th June, 2009 is in verbatim as under;

Mr. Javed Iqbal Mattoo, SP Shopian in his statement has admitted that on 30.05.2009 around 5.00am he was informed by the SHO that two girls are missing, since the previous night, and after some time the SHO again rang him

up to inform that the dead body of lady Neelofar, has been found in the Nallah. After 50 to 60 minutes SHO again rang up and inform that another dead body, of Asiya has also been recovered from Arhama river Rambhara Nallah. The witness admits that it was at 9.30 to 10.30 am when one of his friends Hilal Ahmed informed the witness, about the tension in the hospital. The SP called escort and proceeded to the hospital, on reaching hospital, the SP saw two persons had caught hold of collar of shirt of Dr. Bilal and were pushing him. The relatives of the two girls were insisting that they should be informed about the cause of death, which the doctor refused to reveal at that moment. This infuriated the crowd, the crowd became violent, started pelting stones on the hospital. In his statement SP admits that when the SHO informed him about the recovery of two dead bodies he did not proceed to visit the spot although he was not ill, indisposed and was not busy with any law and order problem. The witness admits that no member of his family was ill and yet he did not rush to the place where from dead bodies have been recovered. The SP also admits that he did not direct the SHO not to disturb the dead body or to seek assistance of expert to assess and collect evidence around the first dead body of Neelofar. Witness also admits that no instructions were given to the SHO to cordon off the area and not to allow any person to disturb anything in order to preserve evidence. The S.P admits that he did not take any precautions to save the evidence that might have been present at both the spots where dead bodies of Neelofar and Asiya were recovered around 6.00 AM in the morning of 30th May 2009. S.P. admits that there is an injury of large size at the head of the dead body Asiya. It is also admitted that no measurements of injury have been taken and no mention of the weapon used to inflict the injury has been written. S.P has no explanation as to why he did not give directions to the SHO to write the details of injuries, which were on the head of Asiya and also

nature of weapon, which caused injury. S.P. says that without checking, whether the doctors had taken the organs, brain and heart, he was satisfied on his own perception that doctors must have done their duty and he hurried the burial of the dead bodies by contacting Shabir Ahmad Kullay. It is also admitted that no action has been taken against SHO for committing lapses in the investigation and leaving lacunas in collection of evidence. While admitting that police is duty bound to register FIR in cognizable cases and offences under section 376, without a formal complaint. It is also admitted that since the husband of the deceased Neelofar had not complained of rape and murder of his wife, therefore, offence under section 302 or 376 RPC was not registered. S.P admits that he had not at any point of time examined the dead bodies of the deceased ladies.

S.P admits that it was not a case of theft or robbery, because the golden ornaments were present on spot. It is also admitted that although the samples were sent to Forensic Science Laboratory on 30th May 2009, but no reminder was sent to Forensic Science Laboratory to expedite, sending of opinion in spite of turmoil, disturbances, hartals and breakdown of entire administration. It is also admitted that S.P did not personally ring up any officer of the Forensic Science Laboratory, but was in touch with IGP on phone. In one breathe S.P has stated that he was in consultation with Advocate General for clarification of section 174 CRPC and his powers to register FIR, but in the same breathe S.P has contradicted himself and stated that he did not at any point of time either seek legal opinion of Advocate General or talked to him on phone or dispatch any communication in writing for opinion. The S.P seems to have given a false statement. The only explanation given by the S.P for deposing a contradictory statement is that the statement was made due to misuse of words. Without actually visiting the spot and without actually looking for dead

bodies, the S.P has stated that he is confident that the dead bodies were not naked. The S.P has not explained on what basis the statement is made. The S.P in his statement admits that, there was no indication or evidence that murder has not been committed but he was all along in touch with his superior officers regarding the course of investigation. S.P admits that during his entire duration of 10 years, he has not investigated any rape or murder case. It is also admitted that although first precaution is to preserve the scene of recovery of dead body, but the same has not been done in the present case. It is also admitted that incident has caused closure of business establishments, colleges, Government institutions, damage to studies of students, stoppage of tourist trade in the state. It is also admitted that the incident has caused further alienation of public and resentment against the Police Department. The people demand removal of S.P., Divisional Commissioner and Chief Minister. The witness admits that if FIR under section 302, 376 RPC would have been registered on 30th May 2009 and culprits would have been apprehended after proper investigation, there would have been no loss of life or hartals and the dissenting anti national elements would not have made political gain. The witness says that he has been transferred to a District, which is nearer to his residence and larger in size than District Shopian.

To sum up, the admissions made by Javed Iqbal Mattoo, the then S.P Shopian in his statement before the Commission are :-

1. That on receipt of information of recovery of two dead bodies from Rambhara Nallah, the S.P did not proceed on spot, but proceeded to commence exercise in his lawn.
2. No instructions were given by the S.P to the SHO to take the photographs of the dead bodies from the exact spot from where they were found and before shifting the dead bodies.

3. No instructions were given, not to move the dead bodies before a thorough examination was made for detection of presence of any foreign material like hair, a cigarette bit or a key chain or even foot prints around the spot before removing the bodies.
4. No instructions were given to cordon off the area and not to allow any person to disturb anything in order to preserve evidence, which could lead to identification of the culprits till further orders.
5. No effort was made by the S.P to visit the scene of place from where the dead bodies were recovered during the entire day of 30th May 2009.
6. No details of measurement of injuries on the head of the deceased are entered in the injury form and the S.P has not monitored it.
7. ***S.P admits that no action against the SHO has been taken for committing lapses in the investigation and for allowing the evidence to be destroyed by his negligence.***
8. ***The SP admits that in cognizable cases, it is not necessary that a complaint should be lodged, but adds that complaint was not lodged by Shakeel Ahmed Ahanger, husband of Neelofar or by Abdul Hi, father of Neelofar, therefore FIR was not lodged under section 376 RPC.***
9. The S.P has admitted that without actually seeing the dead body at the time of recovery from the spot, where they had been thrown, he is confident that the dead bodies were not naked.
10. ***S.P admits that inspite of breakdown of administrative machinery, anger, resentment and also hartal to register FIR under section 376, 302 RPC, he did not send any reminder to Forensic Science Laboratory to expedite the submission of opinion.***
11. Witness admits that it is possible that if FIR under section 302, 376 RPC had been registered on 30.05.2009 and culprits would have been

apprehended after proper investigation, there would have been no loss of life, no disturbances and hartals.

12. It is also admitted that he did not ring up any officer of the Forensic Science Laboratory.
13. S.P in one breath has stated that he was in consultation with Advocate General as to whether FIR can be lodged, during the pendency of inquest proceedings under section 174 CrPC and in the next breathe, the SP has deposed that he never consulted Advocate General, thereby giving a false, incorrect statement that he ever consulted Advocate General for legal clarification before the Commission. The witness admits that he did not send any written request for clarification to Advocate General. The witness had admitted that the statement given that he consulted the Advocate General has been due to misuse of words, but he never consulted the Advocate General.
14. ***S.P admits that as per direction of Supreme Court, it is the duty of officer incharge of P/S to register FIR in cognizable cases and offence under section 376 RPC is a cognizable offence.***
15. ***It is also admitted that there was no indication or evidence that murder has not been committed, but he was in touch with superior officers regarding the course of investigation.***
16. It is also admitted that no arrest has been made till date and no headway has been made by Special Investigating Team constituted by DIG SKR on 1st June 2009.
17. The witness admits that he has not investigated any rape or murder case during his entire duration of 10 years of service.
18. Witness admits that injury on head can cause death and if a person is found dead in a remote forest, the first precaution is to preserve the

scene of recovery of the dead body. This is precisely what has not been done by the S.I or SHO or ordered to be done by the S.P.

19. It is admitted that incident has caused loss of business, collapse of Government institutions, damage to the studies of students and disruption of tourist trade in the State.
20. It is also admitted that incident has caused further alienation of public and resentment against the Police Department.
21. Witness also admits that the people demand removal of S.P, Shopian, Div. Com. and Chief Minister.
22. It is also admitted that although, he asked details for deployment of patrol pattern of CRPF Company, he got no reply and did not send any reminder and he conveniently forgot to pursue to get the information.
23. It is also admitted that he did not ask any information as to how many persons had proceeded on leave immediately after 30.05.2009 or on 1st and 2nd June 2009.
24. The witness admits to have been transferred to a larger district and closer to his home.

Statement of witness Dr. Bilal on oath summoned by the Commission on 9th June, 2009 is in verbatim as under;

The witness stated that on examination of the dead body of Miss Asiya on 30th of May,2009 I found 2x3 cms wound on her forehead, Nasal bridge was cut, there were minor cuts on both sides of her forehead, minor cuts were present on knees and the nose was bleeding. On examination, an injury of 1 cm deep caused by a sharp weapon was found near here forehead. No froth was coming from the mouth but there was a Hemotomic patch on the right side of the shoulder and on the back side of the dead body. There were no marks of

violence around her private parts and no other injury was seen on her body. Nails were clean, there was no discoloration of tongue and no signs of tongue biting. There was also no discoloration of lips ,no bugling of eyes. The dead body had a small artificial garment around her throat. The findings of visual examination were recorded on paper which were snatched by the public in presence of Superintendent of Police. Post mortem was started on 30th of May,2009.The dead body did not have shoes or chappals ,but the feet were wet. The cloths on the dead body were not torn. The shirt on the dead body had print in pinkish colour. The belt of the pajama was tied and was not loose. There was no blood stains on the inner garments of the dead body of Asiya and they were wet. There was no stain of semen visible on the inner garments. The pubic hair have been shavened before two days of death. There were no marks of violence on Labia Majora and there were no marks of violence on the rectal side, both knees had bruises. On external examination of the dead body ,no fracture was visual on arms or legs or ribs .The age of dead person must have been less than 25 years .

On opening the abdomen chest no blood was found oozing from the dead body. There was no water as such. The lungs were removed and flouting test was performed. The lungs flouted which means that the lungs did not contain water. The other samples of the dead body could not be taken as the crowd became out of control and started stone pelting. The lungs were flouting in the big container which can sufficiently accommodate the lungs to permit the same to flout. There was no external bleeding of the heart. There were no colour changes or oozing of perforation in the liver. Gallbladder was intact and without an change. Stomach alongwith contents were taken-out . Intestines were taken. On visual inspection of kidneys, no abnormal finding present, no splenic injury was found. Uterus of Asiya was not taken.

In case a person has a fall on the ground or falls on the bolder in the water, the person will not receive injury at the spot where the injury was inflicted on the dead body. The chances are less in remote. The death could not have been due to strangulation. The cut on the forehead was straight and sharply inflicted by a sharp edged weapon. The present injury could cause compression on the brain. The head injury on the forehead of the Asiya was anti-mortem.

Injuries in case of death of Mtr. Neelofar:-

No external injury, scratches or superficial were found on the dead body of Neelofar. She had a pheran which was removed for examination. She also had firak and Shalwar. Bras and the pajama was properly fixed and were in order. There was a mark of previous surgery on her abdomen. After removing pajama, no under pents were found on the dead body. There was nothing on dead body to indicate death due to strangulation. The clothes were fully wet. There were sand pebbles in her hair. The nails were clean of any dust, clay or any other substance. Ear rings were fixed in the ears. She had bangles of gold in one of her arms. She also had a golden ring.

The lungs were removed and flouting test was performed. The lungs floated during the test to rule out possibility of death by drowning. The Uterus of dead body was taken. She was not pregnant. On examination the Uterus was removed. The Uterus was sent to FSL for further tests. The rigor mortis has set in and the duration of the death could be 8 to 10 hours before the commencement of post mortem at 9.00 A.M. There were no indication on the lips to indicate that there were any cosmetic material like lipstick, cream, colour and highlighting material applied prior to the death. The pubic hair could have been removed 10 to 12 days before the death of both. The internal

examination of the Labia Majora could not be performed because the rigor mortis has set in and body was immobilized. No matting of pubic hair due to seminal discharge was found on the private parts of the dead body. Although the police did not furnish the questionnaire at that time but I prepared notes and wrote down all injuries which were found on the post mortem on a white paper which was taken by the relations of the deceased ladies. One dead body out of two ladies had shoes in her feet. No videography or photography of the dead bodies was conducted.

To sum up, the admissions made by Dr. Bilal in his statement before the Commission are :-

Dr. Bilal in his statement has admitted that he removed the lungs of both the dead bodies and conducted floatation test to confirm that the death of Neelofar as well as Asiya had not been caused due to drowning.

Statement of witness Dr. Nighat W/o Dr. Imtiyaz R/o Sadaf Nagar on oath summoned by the Commission on 9th June, 2009 is in verbatim as under;

Injuries in case of death of Miss Asiya:-

I am a Gynaecologist specializing in maternity and child health. On the day of incident, I was called to examine the dead body during the post mortem. There was a huge crowd pelting stones on the doctors and also on the D.C and the atmosphere was charged and tense. Initially I was not permitted to conduct the examination but on request they permitted me alongwith Dr. Ghulam Qadir and Dr. Maqbool. We did not have the sufficient material like gloves, mask, cotton not even microscope. I conducted the examination of dead body of Asiya Jan. I found a wound of 2 to 3 inches, on the frontal region of the skull not on the forehead. The injury was oedematous and bleeding

caused by a sharp weapon which injury could have only be inflicted with tremendous force. The injury was 01 cm deep. The injury was clean. The nature of injury apparently suggested that the injury was sufficient to cause compression on the brain resulting in cardiac arrest and death of the lady. The dead body was anaemic indicating gross loss of blood. There were three sharp cuts one was on the front between the two eyes, the other was on the right side and the third was on the left side almost in a straight line. Nasal bridge was cut with a sharp edged weapon. Left nostril was profusely bleeding at the time of examination of the dead body. There were mild multiple abrasions on the left side of the scapula. No injuries were found on arms. There were no injuries on arms and chest . Injury in the frontal portion of the skull cannot be caused by fall in the river. The injuries on the forehead were of sharp cuts and not very deep. They were not bleeding. All injuries mentioned above i.e frontal portion of the skull and forehead were anti-mortem. As per the assessment of the doctor the time of the death could be 3.00 to 4.00 A.M. There was a sharp cut on the left dorsum of the foot which might have also bleeding and could have been caused by the same weapon which caused the above mentioned injuries. There was no apparent injury or mark of violence on the private parts. There was no lacerations. Hymen was freshly torn in rags and was mildly oedematous. There was no fresh bleeding. Vagina admitted one finger and was pale in colour. No blood clots were found in the Labia Majora and Labia Minora. All the vaginal secretion were taken as a swab. However, these secretions were scanty. Pubic hairs were grown, they were present and it appear from the texture of the pubic hair that they had never been shaven. There was no matting on the pubic hair. The examinations so performed makes it clear that a sexual assault has been committed. Since the undergarment particularly panties were all wet, it was not possible to make

out whether it contain some blood or semen stains. The morphology of the private parts do not suggest that a gang rap has been committed. In this particular case, the cause of death could be the haemorrhages shock because of bleeding from multiple cuts. No injury close to the eyes could be self-inflicted and the present injury in my opinion could not be self-inflicted. Eyes were closed and not bulging. No froth from the mouth was noticed. There was no bleeding from the ears as well. Because of the rigor mortis, the tongue was not seen. Lips were normal without any injury and apparently pale. No bleeding from ears. She was not wearing anything in the ear, nose and neck. Apparently she was healthy with well developed secondary sexual characters. There was no mark of injury or violence on her breast. The swab/vaginal samples were taken in presence of Dr. Gh. Qadir Sofi, Dy . CMO Pulwama and Dr. Mohd. Maqbool Mir, District Health Officer Pulwama. There was no bleeding or blood clots in the conjunctive (eyes). Deeper injuries could not be ruled out, because per-speculum examination was not possible.

Injuries in case of death of Mtr. Neelofar

The physical examination of the body revealed that there were no marks of injury or violence on the body except the mild echymotic pathes on the buttocks. These echymotic patches were irregular, 2 to 3 cms roughly. There was no mark of injury or violence on the private parts of the subject. Pubic hairs were grown up normally. No matting could be seen as the dead body was wet. Even after feel the pubic area, no sticky matter could be felt but it was fully wet. There were vaginal recreations present, No hymen present, as she is married lady. No blood/blood clot could be seen in the vaginal region. Vagina admitted two fingers easily. I tried to find out the Uterus it might have

been taken out by the first team of the doctors that had carried out the post mortem.

To sum up, the admissions made by Dr. Nighat in her statement before the Commission are :-

Dr. Nighat in her statement admits that on examination of the dead body of Asiya, it was cleared that sexual assault has been committed. It is also admitted by Dr. Nighat that on examination of dead body of Neelofar, no hymen was present.

It is also admitted by Dr. Nighat that the injury on the skull of Asiya could cause compression of brain resulting in cardiac arrest and death of Asiya.

Expert opinion:

Statement of witness summoned by the Commission Dr. Fareeda Noor, Head of Department Forensic Medicine and Toxicology, Government Medical College, Srinagar on oath dated: 14. 06. 2009 is in verbatim as under;

The witness stated that I completed MBBS in 1987 from Government Medical College, Srinagar then I did my MD in Forensic Medicine from All India Institute of Medical Sciences, New Delhi. I have an experience of 18 years in the Forensic Medicine. I am not an expert on Gynae but I am an expert in Forensic Medicine. Death is defined in medical terms as cessation of the tripod of life i.e, the function of the brain, heart and the lungs. If the difference between the three type of deaths can be made out by the examination of the body alongwith the histo pathology and the assistance of FSL also. Exact time of death can be defined, we have parameters under which we can give probable time of death, the parameters used are immediate changes, early changes and the late changes. The immediate changes which take place in a dead body will be like a flat electro-cardiograph, changes in the eye, changes in the skin. The early changes will be cooling of the body, rigidity of the muscles (Rigor Mortis),

colour changes (Post Mortem Lividity). The late changes will be signs of putrefaction/decomposition. It is possible to differentiate between the injuries which have been inflicted before death and after death, if the person has lived for sometime after sustaining the fatal injury. In case the person has lived for a while the wound will be gaping the bleeding will be more and the margins will be bruised. For the exact cause of death, it is necessary that a complete autopsy should be done with opening of all cavities of the body alongwith head. In a body with no apparent physical injuries externally to come to conclusion about the cause of death, the body has to be opened including skull to look for the various causes alongwith sending the Viscera for histopathology and to the Forensic Science Laboratory. It would not be possible to give the conclusive opinion about the cause of death without opening the skull examining the brain without opening the chest and examining the heart both clinically as well as histopathologically. The difference between anti mortem and post mortem coagulation would be that in post mortem coagulation the clot would be loosely formed it will be yellowish reddish in colour as compared to anti mortem clot which would be reddish in colour and firmer in consistency. In death due to asphyxia the blood remains fluid and may continue to ooze approximately 4 to 6 hours after death. Normally the time consumed for conducting the tests and giving the opinion by the experts of Forensic Science Laboratory of five and a half days is reasonable time taken to complete the tests. There is no excuse for not opening the skull in case of death which is not caused by natural causes and more so when there is a injury on the vital part of the head. The injury around eyes can never be self inflicted. It is not the usual site for inflicting injuries by a person on his own body. In the absence of facilities to take X-ray of head with injury it would be possible to detect, by opening of the skull whether the injury has caused

fracture of the skull sufficient to cause death. On opening of the head, it would have been possible to find any haemorrhages or injury to the brain matter also. It was a professional requirement to open the skull remove the brain send it for further analysis and also to open the skull and examine the injury to ascertain whether the injury had caused fracture of skull and the base of the skull. There is reversal of Rigor Mortis normally after twelve hours after death. It would have been possible for the second team of doctors to take vaginal smear by using force and if there was reversal of Rigor Mortis. Only in such cases where legally the sample has to be sealed in presence of magistrate in such cases the magistrate must authenticate by his seal that the samples were taken from the correct person about which the endorsement is made by the magistrate, routinely the doctor can send the Viscera under his/her seal. There is no test to ascertain whether the two samples of spermatozoa came from the origin of one person or from two persons from morphological examination of slide only. In case of drowning on visual examination one can observe large amount of froth with soddening of the skin, post mortem lividity will be pinkish in colour or there may be no post mortem staining. Cadaveric spasm may nor may not be present in a case of drowning. From the photograph of deceased Neelofar, it does not appear that her death has been due to drowning, because there is no evidence of froth around her mouth and other signs also. In case of atypical drowning, and the death being due to laryngeal spasm, to my knowledge, there should be unexpected fall in water and water rushing into the oral cavity and hitting the larynx and causing spasm. There will be no froth in such cases. The chances are less that in case the body is drowned, the spermatozoa can be recovered. Finding of sperms or spinal fluid in the vagina of a married lady cannot be taken as a sign of rape as sexual contact with the husband if she has access to him cannot be ruled out. If the

body is exhumed today i.e after sixteen days, of death there is much less possibility to get any evidence to ascertain whether rape has been committed or not. However, if there is a fracture on the skull of dead body of Asiya sufficient to cause death that aspect can be ascertained. The decomposition of brain starts five minute of death and it is one of the organs that decomposes fast. There is hardly chance to get any clues from any part of the brain after 15 days of the body was buried. The features present in a sexual assault in a virgin can be made out by the examination and will show presence of bleeding, torn hymen with ragged bleeding margins and per vaginal examination will be difficult. The thickness of the scalp of the head can be 3 mm to 7 mm and can be at the most up to 1 cm.

To sum up the admission made by Dr. Fareeda Noor, Head of Department, Forensic Science, Government Medical College, Srinagar is as under;

The witness states that features present in a sexual assault in case of a virgin will show torn hymen with rags bleeding margins and that injury around eyes can never be self-inflicted.

Statement of the witness, Mr. Mohammad Ramzan Thakur the then Deputy Commissioner, Shopian, on oath summoned by the Commission on 13th June, 2009 is in verbatim as under;

The witness stated that I was posted as Deputy Commissioner, Shopian on 3rd or 13th of April, 2007. I was continuing as Deputy Commissioner, Shopian on 29th and 30th of May, 2009. I got a phone call from Police Control Room around 7.30 am or 8.00 am in the morning of 30th May, 2009, informing about the missing of two girls of Bongam Shopian. After a little while I was again

informed that dead body of one girl has been recovered. The Police Control Room requested for deputing a Magistrate to the hospital to complete the formalities of autopsy. I immediately directed my Assistant Commissioner Mr. Basher Ahmad Dar and Syed Aaltaf Hussain, Tehsildar to proceed to the hospital and attend to the requirement of the investigating agency. I went to the office and during the working in the office, I enquired on telephone from S.P Shopian as to what was the information regarding the incident. The S.P Javid Iqbal reported on telephone that both the dead bodies of two girls have been recovered and, he is present on spot, the procedure and proceedings for autopsy are being conducted. My officers who had been deputed to associate with the investigating agency also were in touch with me, and they informed that autopsy has been performed on both the dead bodies and that they are about to leave. I again contacted the S.P Javid Iqbal on telephone to confirm the facts, the S.P Javid Iqbal on telephone informed me that autopsy has been conducted of both the dead bodies, the people have left, and that he is on his way to my office. The two officers which I had deputed returned to the office and personally informed me that the all the formalities of post mortem have been performed and the people have left. The S.P Javid Iqbal also came to my office and informed me that the post mortem has been conducted and it appears to be a normal case of death due to drowning the people have left and are proceeding to bury the dead bodies. Prior to the arrival of S.P. Javid Iqbal my Private Assistant told me that a problem has started in the hospital and I immediately directed my Assistant Commissioner, Mr. Bashir Ahamad Dar to proceed on spot and take control of the situation. Mr. Javid Iqbal S.P. received a phone call while he was sitting in my office about the unrest in the hospital and he also rush to the hospital. I contacted Mr Javid Iqbal S.P. on telephone and he informed me that he has reached hospital, and the people are agitated

because they are apprehending foul play in the report of the doctor and the cause of death of the two ladies. It was also revealed by S.P. that the dead bodies have been brought back to the hospital for re-examining the body and for conducting a second post mortem by fresh team of doctors who should not be from Shopian town. I immediately informed the Divisional Commissioner, Kashmir to arrange for a second team of doctors by requesting Director Health Services Kashmir to satisfy the demand of the public. On the directions of the Divisional Commissioner, I contacted Director Health Services and requested to depute a team of doctors for conducting second post mortem of the two dead bodies. As suggested by Director Health Services, I contacted the senior most available doctor at Pulwama Hospital and conveyed the message of Director Health Services and asked for a team of doctors to be sent to Shopian immediately for conducting the post mortem. I asked for bullet proof vehicle from S.P. in order to proceed to the hospital and also informed the S.P. that the team of doctors from Pulwama are on their way to Shopian. I again requested S.P. Javid through my Assistant Commissioner that he should expedite sending me the bullet proof vehicle so that I can immediately rush to the hospital. As soon as the vehicle arrive, I rush to the hospital. I went to the room in the hospital where the father of deceased Neelofar and brother of Asiya alongwith some other persons were already present. My Assistant Commissioner, Mr Bashir Ahmad Dar was pacifying the relatives of the deceased ladies to bear with the administration as a second team of doctors are on their way to the hospital and as soon as the post mortem will be conducted they would be permitted to take the dead bodies for burial. Thereafter team of doctors arrived within ten minutes from Pulwama. Post mortem was conducted by second team of doctors. After the post mortem was concluded the dead bodies were taken by their relatives and they were buried.

The relatives and people in the mob were demanding to know the cause of death of the ladies immediately after the completion of the formalities of second post mortem. The mob from outside started pelting stones on the hospital. Mob had to be disbursed with tear shelling and can charge. The dead bodies were taken by the relatives for burial, and were buried in the evening.

On question by Abdul Majid CPO assisting the Commission I have no knowledge whether Bashir Ahmad Assistant Commissioner and Altaf Hussain, Tehsildar were present inside the mortuary where the post mortem was conducted. I did not any point of time see the dead bodies. The dead bodies were of ladies therefore I thought it expedient not to examine the dead bodies. When the pelting started on the hospital I was present in the hospital. I did not take any steps either by contacting the Divisional Commissioner to inform him about the gravity of the situation or to go in the mob or to call any relative of the deceased to pacify the willingness of the administration to listen to their grievances in order to defuse the situation. I was not convinced that the death of two ladies is a normal natural death. The ladies could not have been drowned because the bridge was in the immediate vicinity of their orchard and there was no reason for the ladies to cross the river and not to take the safe route over the bridge. There has been no death reported due to drowning during the duration of my two years tenure in Shopian. Although I reside at Anantnag which is in immediate vicinity of Shopian separated by distance of about 40 Km but I have never heard that any person has drowned in Nallah Rambhara. I did not have time to suggest to S.P. Javid that keeping the factual aspect that death due to drowning would not have been possible in the present circumstances of the case and he must, in view of the rising temper and violent law and order situation, consider registration of FIR under section 302, 376 RPC. I was convinced that it was not a case of death due to

natural causes but was death due to some mischief. It is not a fact that Dr. Nighat came out of the operating room where the autopsy was being performed and informed anyone in my presence that both the girls have been raped. It is also not a fact that Dr. Sofi came out of the operating room and informed anybody that both the girls have been raped. The first team of doctors was constituted of Dr. Bilal and a lady doctor as informed by S.P. Mr. Javid. My Assistant Commissioner Bashir Ahmad and Tehsildar Altaf Hussain did not inform me about the names of doctors constituting the first team to perform the post mortem. The Assistant Commissioner Bashir Ahmad and Tehsildar Altaf Hussain conveyed to me that first post-mortem has been performed but they did not inform me that all essential samples have been taken in a peaceful atmosphere. I did not enquire whether all samples necessary for Forensic Science examination have been taken out of the two dead bodies in a peaceful atmosphere or not. I have no information whether the doctors had left the post mortem half way or not. When I reached hospital and enquired about the first team of doctors, I was informed that they had run away. Although I was informed about the recovery of dead bodies at 8 AM but since the situation in the town was peaceful there was no requirement to go to the hospital till 1.30 PM when I finally reached there. As the situation in the town was peaceful till the constitution of the second team of doctors therefore, I presumed that the first post mortem has been conducted completely and satisfactorily by the first team of doctors. The second team of doctors must have arrived at Shopian hospital around 1.45 PM. Team constituted of Dr. Maqbool, Dr. Ghulam Qadir and one lady doctor. I informed the second team of doctors about the sensitivity and seriousness of the second post mortem requesting that they must utilize their utmost professional competence while examining the dead bodies and while taking their samples

for Forensic Science Laboratory. The second post mortem was conducted within 20 to 25 minutes. I enquired from the doctors whether they had succeeded in taking the requisite samples of both the dead bodies and that whether they had sufficient time to examine the external and internal conditions of both the dead bodies for deduction of injuries bruises or scratches. As District Magistrate, I was fully satisfied that the doctors had full opportunity and sufficient time to examine the external and internal parts of both the dead bodies and also for taking the samples. I did not apprehend that the second team had also left and ran away from hospital and had not conducted the complete autopsy of both the dead bodies. After completing the second post mortem I discussed the issue with the team of doctors who told me that on their examination they are of the opinion that Asiya has been molested before her death. Regarding Neelofar the doctors said that they cannot give any opinion. I required the S.P. to register FIR under section 354 RPC for molestation of Asiya on the available statement of doctors who had conducted autopsy on the dead body of Asiya. S.P. Javid Mattoo was present inside the hospital room. Second team of doctors told me that there is a grave wound on the head of Asiya and bruises on the dead body of Neelofar. As District Magistrate I did not direct the S.P Javed Mattoo to register the case under section 302 RPC in spite of the fact that the doctors had informed me there is a grievous injury on the vital part that is head of the dead body of Asiya. The second team of officers did not inform me that they did not have the necessary instruments for conducting the second post mortem. I went on spot on Sunday that is 31st of May, 2009. I did not visit the exact spot from where the dead bodies were recovered of Asiya and Neelofar but I went upto the bridge and also explore the route the girls have taken while going to the orchard. Immediately after the incident of 30th May, 2009 I took confidence

building measures by contacting elders and respectable citizens of the town. There was no response in spite of my efforts and the town continues to be in hartal till date. Although I required the S.P. to register the case under section 354 RPC but he did not act on my advice I did not inform higher authorities about the inaction of S.P. If FIR had been registered on time the disturbances and loss of public property could have been averted. I had informed the Divisional Commissioner, Kashmir on 30th May, 2009 about the incident. I had good relation and coordination with Mr. Javid Mattoo, S.P, except for an incident on the previous Saturday that is 23rd May, 2009 in which some damage had been done by the agitators to my office. I am not aware of any press conference by Divisional Commissioner that the death is due to drowning. I did not read in any newspaper that the Divisional Commissioner had conducted a press conference. I personally conveyed to Divisional Commissioner that the death is due to some mischief. I have not submitted any factual report to my superior officers regarding the whole incident.

To sum up, the admissions made by Mr. Mohammad Ramzan Thokur, Ex-Deputy Commissioner in his statement before the Commission:

1. The witness admits that he was not convinced that the death of two ladies was due to a natural cause.
2. It is also admitted that he required the S.P to register an FIR under section 354 CRPC for molestation of Asiya.
3. It is also admitted that the death could not have been by drowning because no death due to drowning has been reported during the entire duration of two years of the witness.

4. It is also admitted that death of the two ladies was due to some mischief and not due to a natural cause.

Statement of witnesses Shri Om Prakash, Executive Engineer, Floods P&D, Srinagar on oath called by the Commission on 12th June, 2009 is in verbatim as under;

The witness stated that I visit the gay sites at Rambh Ara Nallah at Hirpura and at Nyana once in 2 to 3 months. I have been posted as executive engineer since September, 2007. There have been no local reports of flooding of Rambh Ara Nallah during my tenure. Our department only monitors recording of the discharge and flow of water. The measurements are taken on daily basis under a specified procedure at Hirpura and Nyana. I am producing the relevant record of the discharge for the period from January 2006 to 11th June, 2009. We have never heard that any death due to drowning has been caused in Rambh Ara Nallah. The gauge of water on 29th May at Hirpura was .42 mtrs and on the same day the gauge at Nyana was .60 mtrs. The highest gauge recorded on 24th of May, 2009 at Nyana was .90 mtrs at 5.00 PM. The gauge indicating discharge of water, which is recorded three times a day, is normally found highest in the afternoon around 5.00 PM in fair weather conditions. The gauge has not shown sudden increase during the three readings that we normally recorded during the month of May, 2009.

To sum up, the admissions made by Shri Om Prakash, Executive Engineer, Floods P&D, Srinagar:

The witness admitted that there has been no death reported due to drowning in Rambh Ara Nallah during his tenure since September, 2007.

On close and careful scrutiny of the statement of investigating agency, the team of doctors who conducted the post mortem examination, the statement of Executive Engineer Floods(P&D), the witnesses who are relations of deceased and unconnected individual witnesses, it is conclusively established that the death of Neelofar and Asiya was not by drowning in the Rambi Ara river.

The police witnesses have also admitted that although they were privately convinced that no one can be drowned in the Rambi Ara river, much less the two unfortunate health and physically fit village girls.

Manzoor Ahmad Dhobi in his statement has deposed that the depth of water from where the dead bodies were recovered is between 1 to 2 feet.

The statement of police witnesses is substantially corroborated by Dr. Bilal, who has categorically ruled out death due to drowning of both ladies. The Ex-Deputy Commissioner, Mohammad Ramzan Thokur admits that the girls could not have died due to drowning in the Rambi Ara nallah. It is also in the statement of all police witnesses and the medical expert witnesses Dr Bilal, Dr. Nighat that there was a grave injury on the skull of dead body of Asiya, which could cause compression of brain and death. Dr. Nighat has established that sexual assault was committed on Asiya before her death.

The expert witness Dr Fareeda Noor has supported the statement of Dr. Nighat by her expert opinion that features present in a sexual assault in case of a virgin will show torn hymen with rags bleeding margins.

Statement of witnesses Shri Javed Iqbal Hafiz, Scientific Officer, Forensic Science Laboratory, Srinagar on oath summoned by the Commission on 14th June, 2009 is in verbatim as under;

The witness stated that I am posted in Forensic Science Laboratory for last 26 years. From Feb. 2008 I am posted in Forensic Science Laboratory Srinagar and am presently holding the charge of Forensic Science Laboratory Srinagar. The covering letter bearing No. FSL/1024-Legal/Sgr dated 06.06.2009 bears my signature. I forwarded the opinion to Chief Medical Officer, Pulwama and it is a fact that the scientific officers had framed their opinion on 01st June and had forwarded the opinion on the same day to the legal section which was also received by me on 2nd June 2009. The opinion which was received by me on 2nd June was complete in all respects and needed no clarification. I was aware that it was a sensitive case. I was aware that people had got agitated destroyed public and private property and two citizens had died during the disturbances. I am also aware that the people were angry and emotional. I had no malafide intentions then I would have changed the texture of the opinion. Had I sent the report on 2nd June 2009, the police concerned could have registered the case under relevant provisions on 2nd June 2009. I cannot say whether by registration of the case immediately after occurrence and on prompt action by the police to start identifying the accused whether the people would still be annoyed or satisfied. The FIR under section 302 was registered on 8th June 2009. Although there was hartal upto 8th and on 9th there was no hartal. The public anger was diluted because of registration of the case under section 302 on 8th June 2009. I cannot give any reason why I retained the expert opinion for four days from 2nd June to 6th June 2009. It is not a fact that I retained the opinion certificate to allow the separatists elements to instigate the people and agitate. It is also not a fact that I retained the opinion certificate to embarrass the Government. It is a fact that allegations were that rape has been committed by forces. I have no reply to the query that although the agitation was on the presumption that the rape has been committed by forces,

including the police agency when I retained the report. In the process by retaining the report for four days even my own department was defamed. Opinion was sent on 6th of June 2009. I read in the news paper on 7th June that FIR is likely to be registered under section 376 RPC. This news was given on the basis of the receipt of opinion certificate from Forensic Science. The photocopy of covering letter duly attested which is marked 'A' the photocopy of the opinion certificate which is marked 'B' duly attested are submitted. The same be placed on record.

To sum up, the admissions made by Shri Javed Iqbal Hafiz, Scientific Officer, Forensic Science Laboratory, Srinagar:

Witness has in his statement admitted that he was holding the charge of Forensic Science Laboratory.

1. Witness has in his statement admitted that he was holding the charge of Forensic Science Laboratory.
2. Witness admits that Scientific Officers, Shahul Ahmed Kanth and Mushtaq Ahmed Bhat had framed their opinion regarding the samples of vaginal smear, taken from the bodies of Neelofar and Asiya on 01.06.2009.
3. The witness admits to have received the opinion certificate on 2nd June, complete in all respects and required no clarification.
4. Witness admits that he did not despatch the opinion certificate up to 6th June 2009, but retained the certificate in his office for five days without reason.
5. The witness has however, denied that he retained the opinion certificate to allow the separatist leaders to instigate people, but

admits that he cannot give any explanation for retaining the certificate in view of the rising anger and agitation in the valley.

Inference:

From the admission of Javed Iqbal Hafiz, Scientific Officer, it is shown that the opinion certificate indicating presence of spermatozoa of both the samples taken from the dead bodies of Neelofar and Asiya was prima-facie suggestive of rape of the two girls. Had this certificate, which was ready on 2nd June, 2009, been sent to the concerned police, FIR under section 376 RPC would have been registered to satisfy the grievance of the agitated public. The Forensic Science Laboratory is under the control of Police Department. No reason has been given by the Scientific Officer Javed Iqbal Hafiz to retain this important opinion certificate with him for five days. The omission to send this certificate does not seem to be due to a bonafide error in, view of the intensity of the crises and public demand to register an FIR. The holding back of the opinion certificate in the present circumstances seems to be another indicator to avoid filing of an FIR on one pretext or the other.

It is on record in the admission of all police witnesses that had an FIR been filed, immediately after occurrence and proper investigation started, there would have been no public protests and no loss of life of citizens.

It is also admitted by police witnesses, that they were aware of the public anger, and resentment for their inaction to register an FIR, in spite of factual and legal justification, yet an FIR was not registered. It is also admitted that with passage of each day, the violence and intensity of protestors increased,

resulting in damage to private and public property and still no efforts were made to register an FIR.

The independent witness Abdul Rashid in his statement has deposed that he closed his shop at 7.30pm on 29th May, 2009 and started proceeding towards his home alongwith Ghulam Mohi-ud-Din and they saw a blue colour 407 police truck with khaki tarpal on the left side of the road at 8.00pm in which two girls were shouting "Mouji, Mouji". The uniform men ordered the witness to ran away from the spot.

The statement of Abdul Rashid is substantially supported by Ghulam Mohi-ud-Din who has deposed that on Friday, 29th May, 2009 he alongwith Abdul Rashid crossed the bridge on Rambi Ara Nallay and saw a J&K police truck parked on the road. 4 uniform men were on the front side and four on the back of the truck. The witness admits to have heard cries of ladies. Witness states that the police men abused and threatened them and they walked away. The witness says that next morning two dead bodies were recovered from the river.

Shakeel Ahmad Ahanger, husband of Neelofar and brother of Asiya has deposed that area where dead body of Neelofar was found was not cordoned by the police to preserve evidence. The witness admits that he has no dispute with any person over land, property or business. It is also admitted that there is no history of past enmity or personal unpleasantness with any person of the locality. The witness categorically suspects the involvement of police in the rape and murder of his wife and sister because police has suppressed the facts and destroyed the evidence.

Syed Zeerak Shah is the brother of Neelofar who has deposed that Dr. Nighat came out of the post mortem room and gave an impression that the girls had

been raped. The witness states that S.P Javed instead of taking action expressed that the incident of similarly nature do happen. The witness suspect the involvement of police in the incident.

Narco Analysts Test:

Commission made persistent efforts to get the Narco Analysts Test conducted of two independent witnesses Abdul Rashid and Ghulam Mohi-ud-Din. Superior officer of police were contacted and required to arrange for the Narco Analysts Test of the said witnesses. Although assurance to conduct the test was extended but in spite of time and opportunity extending over a period of more than a week, the Tests of both the witnesses were not conducted. No explanation was given for not conducting the Narco Analysts Test of the witnesses. The Commission with time limit of a few days more, cannot wait indefinitely further for the officer to take a decision. In the present circumstances, the only inference that can be drawn is that, the witnesses were not subjected to the Narco Analysts Test on apprehension of witnesses deposing against the department. In any case, their evidence is conclusive of no conclusion, but is a circumstance, which cannot be ignored at the present stage.

First Spot Inspection dated 15. 06. 2009:

The Commission conducted inspection of the spot from where the dead body of Neelofar was recovered on 30th May, 2009 around 6.30am.

The spot is located about 100 mtrs upstream from Zavora bridge, of Rambi Ara Nallah, approachable by rough motorable road, through the river bed. The

exact spot was identified by a police person who was with the search party on 30th May, 2009, at a shallow spot in one of the streams which is located towards Dehgam Waderhom side. The exact spot has very scanty flow of water, it is a raised area of stream, where the water cannot cover a human body lying flat on the river bed. The river is around 400 mtrs wide from shore to shore, consisting of number of small streams, 2 to 2 ½ feet deep. People conveniently cross the river almost from all places.

As there is approach road used by all types of vehicles to enter the river, for washing the vehicles, or collection of sand in tractor trolleys or trucks, the possibility is that dead body of Neelofar was carried in one of the light vehicle, like a Gypsy, a station wagon, or a 407 truck.

The spot is in slight depression of the river, as such the spot is not visible to any guard posted in police lines, which is located on Shopian side of the river. The guard post of police lines was inspected and it was found that the exact spot in depression of the river where the dead body of Neelofar was deposited could not have been visible to the police guard, between 2.30 am and 5.30 am. The period during which search of the river was called off.

The only neighbour of the spot is Turray family who expressed no knowledge of the occurrence. The depth of the stream around the spot would be 2 to 2 ½ feet, with reasonably fast flowing water, but certainly not strong current to drown an adult girl of 17 or 22 years old.

The imprint of tyre marks on the rough approach road of various vehicles were visible, even at the time of spot inspection.

Second Spot Inspection:

On 24TH June, 2009, spot inspection of the place where from dead body of Asiya was recovered. The exact spot is 1 ½ Km down stream from Zavora bridge approachable by road from both Ziyarat side in east and police lines side in west. The army camp is located at an elevated high area at a distance of 1 ½ Km from the spot from where the dead body of Asiya was found.

It appears that the dead body of Asiya may have been carried in a Gypsy, a four wheel drive vehicle or a tractor trolley, because the approach road has three small streams one foot to 1½ feet deep with boulders and deep depressions. The spot of occurrence has been found accessible to light vehicles, load carriers and tractors who usually operate in the area to collect the sand and boulders. The investigating team collected all information of tractor operators in the area with the cooperation of officers of Geology & Mining Department. However no involvement of such transport operators came to the knowledge of the Commission.

The dead body had been deposited at an elevated dry spot in the stream. The depth of river on average would be 2 to 2½ feet, with reasonably fast flowing water, but not deep or strong enough to drown a village girl of 17 or 22 years old.

The stream can be conveniently crossed by any adult male or female villager. There are no guards around the place, as the army camp is far away and the CRPF Camp is nearly 1 ½ Km up stream near the Zavora bridge. The newly constructed police lines has no guard posted towards the river side.

The spot is nearly 300 Mtrs from the shore from Ziyarat side and nearly 100 Mtrs from the police lines side. It would have been convenient for the culprits to carry the dead body of Asiya from police line side i.e. western side, as the

approach road is short and has less obstructions and is hidden from the view from Ziyarat side.

Third Spot Inspection:

The 3rd spot inspection was conducted on 1st July, 2009 to identify the truck 407 named by eye witness in which two girls were crying for help near Zavora bridge. It will be pertinent to re-produce that two witnesses namely Abdul Rashid and Ghulam Mohi-ud-Din posing as eye witnesses have deposed that they heard cries of girls crying from J&K Police Truck 407 near Zavora bridge on 29th of May, 2009 around 8.00pm in the evening.

In order to verify the facts, a truck model 407 was called from District Police Lines, Shopian and was parked exactly at the same spot near Zavora bridge Dehgam Waderhome side facing Shopian side near the turning of the road. Police persons, as indicated in the statement of witnesses, were posted in front and at the back of the truck. This exercise was conducted in presence of respectable citizens and some Advocates of Shopian Bar, who were present on spot. After watching the truck, witness Abdul Rashid admitted that the truck he had seen on 29th May, 2009, in which some girls were confined and were shouting for help was a blue colour and of same size and make as the truck which was parked for identification. The witness, however did not identify the truck to be the same truck in which two girls have been confined on 29th May, 2009.

Fourth Spot Inspection:

The 4th spot inspection was conducted on 2nd July, 2009 of Ziyarat side, which is located at a distance of 1 ½ Kms from Shopian town. There is a motorable

road from the Ziyarat side entering the river road upto the place where the dead body of Asiya was found. The distance from river bank to the spot would be approximately 300 Mtrs but the approach is more difficult than the approach road from the police line side i.e. the western side of the river. A Gujjar family was camping on the bank near the Ziyarat side. The investigating team of the Commission verified from all male and female members of the Gujjar family but they could not provide any information regarding any suspicious movement in the river on 29th May, 2009. The location of the approach road substantially suggest that the culprit would not have chosen the Ziyarat road to carry the dead body of Asiya to the place where it was deposited.

Fifth Spot Inspection:

The 5th spot inspection of the Commission was conducted on 4th July, 2009 of Nagbal side where the orchard of Shakeel Ahmad is located. The orchard is at a distance of 1 ½ Km from Shopian town at Nagbal. On inspection of the orchard, it was found that there are about 35 fruit trees in the orchard, measuring 1 kanal and 16 marlas. The orchard is fenced by corrugated tin sheets, from all sides with no entry gate or any approach point. The orchard is neglected full of weeds, under-grrowth and bushes. There is absolutely no place, to sit, relax in the orchard. In fact the water from the surrounding houses collects in major portion of the orchard and emits a foul smell. The orchard is in the middle of the village surrounded by the houses of Hassan Sheikh S/o Karim Sheikh, Hassan Sheikh S/o Kadoos, Abdul Aziz, Gul Mohammad Sons of Hassan Malik and Abdul Rahman all residents of Nagbal. The orchard of 1 kanal and 16 marlas is in a dilapidated condition, surrounded from all sides by houses, is no place for recreation and relaxation. Gulshad Akhtar W/o Qadir Sheikh R/o Nagbal came before the Commission and voluntarily revealed that she had seen the two girls for the first time in the present year, near a small spring

drinking water. Gulshad Akhter conceded that she had offered tea to Neelofar but the girls left without having tea. Jamal Din Wani (Gujjar) basically a resident of Tata Pani, Rajouri, on migration to Shopian, resides in a tent with his family on the inner road leading to Nagbal village, he voluntarily approached the Commission and revealed that he has never seen the girls and he does not permanently live in Nagbal, he had no acquaintance with the deceased girls.

In the vicinity of Zavora bridge, approximately at a distance of 150 mtrs up stream, is the residential house of Turay family. The members of Turay family were contacted but they all denied having any knowledge of the movement of the deceased girls from the river side. They however revealed that most of the movement is from the inner road and not from the river bank side.

Sixth Spot Inspection:

The inspection was conducted on 6th July, 2009 of the police lines and the CRPF Camp. In the police lines, it was found that police does not have any observation post with guard facing towards river side and as such they could not provide with any information of the night of 29th/30th May, 2009 in the river Rambhara. On inspection of CRPF camp, situated at eastern side i.e., Shopian side of the river bank, the incharge Commanding Officer of 14th Bn CRPF C-Company extended full cooperation, and identified the guard bunker located on the river side of Rambhara river. On interaction with the Guard Commander B. B. Kumar and Guard Constable Pradeep Kumar, it was ascertained that the CRPF guard facing the river side of Rambhara river had not noticed any suspicious movement or any movement of vehicle during the intervening night of 29th/30th May, 2009. The statement of these witnesses was recorded separately.

Conclusion:

On admission of SI, SHO, Dy.SP and even S.P the initial evidence, which could have helped to trace the accused and connect the culprit with the crime, was not preserved but was permitted to be lost, with no hope to retrieve the same. The Commission was left with no alternative but to invite information from all persons having knowledge of the incident.

The incident was used by some dissenting parties to voice their grievances, and in the process the witnesses were actually and physically prevented from associating with the proceedings of the Commission. This hampered the working of the Commission and caused considerable delay in collecting facts. The Commission however made herculean efforts to seek the cooperation of the members of the Bar Association, Shopian and the respectable citizens of the town, in order to collect relevant material for identification of the accused. The pressure on the witnesses was so intense that the witnesses were scared to appear before the Commission under social pressure.

The Commission however continued to collect circumstantial evidence in order to identify the culprits. In this direction, the Commission scrutinised the call details of the mobile phone of Shakeel Ahmad Ahanger, the husband of Neelofar, to ascertain whether Neelofar was in possession of a mobile phone on 29th May, 2009.

It will be pertinent to observe that Shakeel Ahmad had given a TV interview that his wife had called him on her mobile phone, to inform that some CRPF persons were chasing her around 7.00pm on 29th May, 2009. Although Shakeel Ahmad, in his statement before the Commission, denied that his wife Neelofar

was in possession of any mobile phone on 29th May, 2009, yet investigating team of the Commission scrutinised all mobile calls made by Shakeel Ahmad not only of 29th May but also six days prior to the incident to verify whether Neelofar was in possession of a mobile phone or not. The call details of 33 CELL phone numbers of relations, friends and acquaintances of Shakeel Ahmad and Neelofar were scrutinized to trace any call made to Neelofar between 7 to 7.30pm on 29th May, 2009. In spite of scrutiny of 14168 incoming calls, 9825 outgoing calls, 4041 incoming sms and 4552 outgoing sms total 32586 datas, the mobile of Neelofar could not be traced. It appears that either Neelofar did not have a mobile phone or that Shakeel Ahmad was made to give a false statement before the T.V in order to seek sympathy from the people and direct their anger against the security forces.

The aim of the exercise was to establish any direct or indirect link between the victims and the suspects. The exercise was taken up to know the family relations and degree of intimacy of different witnesses with the deceased. Unfortunately the number of the deceased could not be traced, even family members refused to divulge the information before the Commission. The cell phone number of deceased could have helped the Commission in working out their links and relations with different persons/suspects and could have helped the investigation. The mystery whether they were carrying cell phone or not remains to be unearthed.

The analysis has however established that there was no link between Ct. Mohammad Yasin deployed with search party of police and any senior officers including SHO, Dy.S.P Hqrs and S.P Shopian of the police during the intervening night of 29th/30th May, 2009. Furthermore, there was no

connectivity between SHO, Dy.S.P Hqrs and S.P during the night of 29th/30th May, 2009 was also established through the analysis of the Call Detail Record of these officers.

Dr. Haseeb Mughal, S.P, assisting the Commission, has prepared extensive note indicating involvement of possible persons in the commission of the present crime. The report is taken on the file and is marked as **Annexure-Z2**.

The investigating team of the Commission headed by Dr. Haseeb Mughal, S.P has examined, questioned and recorded the statements of 64 witnesses separately. The list of the witnesses is annexed as Annexure-Z3.

Finding of Commission:

Considering the overall facts and attendant circumstances of the present incident, it appears that the deliberate inaction of police left un-explained, is not a bonafide omission, caused by an error of judgement, or a genuinely wrong interpretation of statute, or a mistaken notion of procedure, but seems to be a deliberate attempt to dilute and mellow down this incident.

Weighing the pros and cons of the consistent connivance, in the initial stage of investigation, by the investigating agency, and the subsequent cover up and manoeuvring by the local police, showing no seriousness in the incident, leads to the irresistible inference that the police had more to hide than to reveal. The only aspect that has to be considered is, why should the police try to cover up facts from the public gaze, was it because of incompetence, or indifference or out of fear of public exposure.

In the statements of all police witnesses, it is admitted that they were aware of the procedure to protect the evidence. It cannot by any stretch of imagination be held that all officers were, incompetent or ignorant of law, and in any case ignorance of law is no excuse. The police concerned do not appear to be indifferent.

All the officers of the department stood by the theory of death by drowning with full knowledge, and belief that no one in the recent, or past history of Shopian has died due to drowning in River Rambhara. The official statement of drowning does not convey the mindset of indifference, but depicts an active, intelligent and conscious effort to divert the attention of public from the actual and factual cause of death.

The dead bodies of both Neelofar and Asiya were deposited at two spots in the river Rambhara, which area is by day and night watched by security guards of police and CRPF. It does not appear to reason that an individual civilian would, on his own, take a grave risk of detection, by carrying the dead bodies in the early hours of the morning of 30th May, 2009 between 2.30am to 5.30am, with full knowledge that his suspicious movements at odd hours would attract the attention of security guards posted in the area, unless the person would be sure of connivance from the watchful vision of the guards.

In the normal course of human conduct, any person intending to get rid of two dead bodies in a hurry, would attempt to deposit the dead bodies at the nearest available spot, the person would normally leave sufficient trails to trace the culprit.

In the present case, the disposal of dead bodies in the centre of security ring, with mathematical precision and like surgical operation to ensure that no visible trails are left, cannot be said to be the handiwork of a private individual but would need the support of some agency.

The Commission, being aware of its delicate duty to uphold the majesty of law, has also a duty to identify the person or persons, who may, under law, be responsible for the present ruthless crime.

To identify the real culprit, extensive investigation, by a competent and dedicated team of professional investigators, with all modern facilities, is required. The intensive investigation is bound to take some more time. The Commission with time constraint of a few days more, and limitations to confine its report to the points under reference, thereby restricting the jurisdiction of the investigation, the Commission cannot undertake detailed investigation, which may require raids, search, arrest, detention for sustained interrogation of number of persons suspected of the commission of the crime.

Although conclusive evidence to identify the culprit, has not been furnished before the Commission because of unfortunate obstructions caused by certain dissenting political parties in the working of the Commission, yet there is material on the file to hold, that the involvement of some agency of J&K police, in the present incident, cannot be completely ruled out.

The reference (ii) (b) is accordingly answered.

Justice Muzaffar Jan (Retd.)
One Man Commission of Inquiry

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Word of Thanks:

Submission of report of the Commission, in spite of surmounting difficulties presented on all sides, has substantially been materialized. The relentless efforts made by diverse, dissenting, political parties and even some disgruntled sections of the society, left no stone unturned to hamper the working of the Commission, either by persuading the witnesses to abstain from associating with the working of the Commission, or by utilizing social pressure to almost boycott the proceedings before the Commission. In spite of the practical difficulties on ground, time constraint and the continuous suspension of communication and commutation facilities, 39 witnesses appeared before the Commission to assist in collection of facts for compilation of this report to answer points under reference.

In this task, the cooperation of the Divisional Commissioner, Shri Masood Samoon was commendable and deserves thanks of the Commission. The Inspector General of Police, Kashmir Dr. B. Srinivasan took all pains to ensure safety of the Commission during the commutation and inspection of various spots. The Deputy Commissioner, Shopian Shri Abdul Majid Khanday, with his sincere smile, was a source of inspiration, moral support and help at all times to the Commission. The Commission expresses special gratitude for his assistance, cooperation, courtesy and help during entire period of more than a months stay of the Commission in Shopian. Special thanks are also extended to Superintendent of Police Shri Shahid Mehraj for providing security though, it was entirely because of the bad aim of the stone pelting urchins, that couple of stones hit some vehicles of the Commission and they missed most of the vehicles.

Special thanks are due to Dr. Haseeb Mughal, S.P, who assisted the Commission with professional competence, sincerity of purpose, dedication and tireless energy. Dr. Mughal not only assisted the Commission, during investigation but also helped in compilation of the report at all stages.

Thanks are also due to Mr. Abdul Majid, Chief Prosecution Officer, who assisted the Commission with his known professional competence, dedication and sincere efforts. His knowledge of law and procedure was of considerable help and facilitated the submission of the report.

Special thanks are also due to Mr. Mukhtar Ahmad Wani, Secretary, his sound experience in the legal field, his worldly wisdom, and matured suggestions were of immense help and provided support to the Commission at all times.

Additional Deputy Commissioner, Shopian Shri Mohammad Yousuf Zargar took care of the entire staff of the Commission and ensured the safe stay in spite of continuous closure of the market and other essential supplies including stationery. The Commission adequately thanks Mr. Zargar.

Although Executive Engineer, PHE Department did nothing initially to prevent supply of raw water, used by the staff of Commission for drinking and consequently most of the staff members went down with dysentery and diarrhea, but it was only after intervention of the Hon'ble Minister, PHE that clean potable water was provided for drinking of the staff of the Commission. The Executive Engineer, PHE needs to be made aware of his duty to wake up to the sensitivity, in which the Commission was to function.

The Commission thanks the staff of the Circuit House, Shopian and all other agencies for their sincere efforts to help the Commission in executing the task in difficult and tense atmosphere.

The Secretary of the Commission will separately convey the appreciation of the Commission, expressed above, to all concerned, after the report is submitted.

Justice Muzaffar Jan (Retd.)
One Man Commission of Inquiry

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