

NATIONAL HUMAN RIGHTS COMMISSION
(L A W D I V I S I O N)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 31/10/2016

Case No. 7/14/4/2010-AFE

To

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

23 NOV 2016

Sir/Madam,

With reference to your complaint dated 05/02/2010, I am directed to say that the matter was considered by the Commission on 06/10/2016. The Commission has made the following directions.

Addl. Secretary (Home), Govt. of Manipur vide communication dated 29.8.2016 informed the Commission that an amount of Rs. 5.5 lakhs each has been paid to the NoK of deceased Nameirakpam Gobind Meitei and Nameirakpam Nobo Meitei. The proof of payment also has been received. Hence, the case is closed.

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 7/14/4/2010-AFE

Diary Number 14817
 Name of the Complainant SUHAS CHAKMA, DIRECTOR
 Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI, DELHI
 Name of the Victim NAMEIRAKPAM GOBIND MEETEI & NAMEIRAKPAM NOBO MEETE
 Address R/O BAHIKHONG MAMANG LEIKAI, PS- IRILBUNG, IMPHAL EAST, IMPHAL, MANIPUR
 Place of Incident LANGOL GAME VILLAGE IMPHAL, MANIPUR
 Date of Incident 4/4/2009

This case relates to the death of two persons Nameirakpam Gobind Meitei and Nameirakpam Nobo Meitei. According to the complainant Shri Suhas Chakma, Director, National Campaign for Prevention of Torture, New Delhi, the deceased were killed by the personnel of Imphal West District police commandos in a fake encounter near election office along with the road of Langol Game Village under Lamphel Police Station in Imphal West District on 4.4.2009. According to the complainant, the family members and the residents of the area claimed that Mr. Gobind and Mr. Nobo were innocent and were killed in fake encounter. On receiving notice from the Commission, the SDPO (Lamphel), Imphal West District, Manipur has sent a report in which it is claimed that the deceased were killed in an encounter. It is stated that on 4.4.2009 at about 9.45 pm, acting on a reliable information regarding presence of some members of valley based terrorist organization at Lamphel village area, a combined team of CDO/IW and 39 Assam Rifle rushed there and subsequently an encounter took place between the combined team and valley based militants. In the encounter, two armed militants were killed and from their possession, one 9 mm pistol (Chinese made) having one magazine containing 4 live rounds, one Chinese hand grenade, four empty cases of 9 mm ammunition and three empty cases of AK ammunition were recovered and seized. The inquest report and post mortem report also were sent to the Commission. A magisterial inquiry was conducted by the Addl. DM, Imphal West District and a copy of the magisterial inquiry report was also sent to the Commission. The conclusion in the magisterial inquiry report was that there was an encounter on that day and the encounter was a real encounter. It is also seen that the case was transferred to CB CID for investigation and investigation is still pending. An interim report was sent but in spite of repeated directions by the Commission, the final report has not been sent so far. In the meanwhile, the Justice Hedge Commission appointed by the Supreme Court inquired into the case of death of the abovementioned persons also and submitted a report to the Supreme Court with the following conclusion:- "In our considered opinion, medical evidence coupled with the contradictions and discrepancies in the oral evidence referred to hereinabove are sufficient to come to the conclusion that the incident in question is not an encounter but an operation by the security forces wherein death of the victims was caused knowingly". We have also heard Mr. N. Basantha, father of the deceased who is present today before the Commission. We have considered the facts and circumstances of the case in the light of the inquest report, post mortem report, the magisterial inquiry report and the interim report submitted by the CB-CID. We are constrained to observe that the magisterial inquiry report is quite unsatisfactory. Though the relatives of the deceased had given evidence before the magistrate, he has simply disbelieved their statements without assigning any valid reasons. Even the conclusion is strange and perverted as he has stated: "Since there is no statement or material evidence given to me that there was no encounter on the fateful day, I am of the view that there was an encounter on that day." Then he proceeded to conclude that "the encounter was a real encounter since the medical officer who conducted the post mortem examination on the day stated that the fire was from a distant range". It should be noted that even in a fake encounter, there can be firing from a distant range. Prime facie we are not inclined to accept or act upon the finding of the magistrate. We have gone through the report of the Justice Hegde

Direction issued by the Commission

Commission. We are inclined to agree with the observations and finding of the Hegde Commission in respect of the death of the above-mentioned two persons. Since there has been an inquiry by a Commission appointed by the Hon'ble Supreme Court and since the findings of the said Commission are available with us, we do not consider it necessary to wait for the final report of the CB-CID investigation which is unnecessary delayed. Prima facie we are satisfied that there was violation of human rights in this case and the Govt. of Manipur is liable to compensate the next of kin of the victims. In the above circumstances, issue notice to Chief Secretary, Govt. of Manipur, under section 18 of the Protection of Human Rights Act, 1993 to show cause as to why recommendation should not be made to pay monetary relief to the next of kin of the deceased. Response in four weeks.

Action Taken
 Status on 11/25/2013

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

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नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नई दिल्ली-110023,

फोननं. 24651330 फैक्सनं. 24651329 ई-मेल covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

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S/S
 11/25/13