

MOST IMMEDIATE
BY SPEED POST

Case No.11/14/2/09-10-PF/FC
NATIONAL HUMAN RIGHTS COMMISSION
(Law Division/FC Branch)

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SHOW CAUSE NOTICE

The Chief Secretary
Government of Manipur
Imphal - 795 001

WHEREAS the Commission on 19.6.2009 took cognizance of a complaint dated 6.6.2009 received from Shri Tejang Chakma against the extra judicial killing of two persons identified as Laishram Kishorjit and Soram Priyokumar by the 20th Assam Rifles at Maipi Angbrasu track in Chandel District of Manipur on the night of 01.6.2009. The complainant alleged that both the deceased persons were innocent and did not belong to any underground outfit. Both the deceased went to Moreh for marketing on 1.6.2009 in the morning and they became victims of violence at the hands of Assam Rifles.

AND WHEREAS pursuant to the directions of the Commission the Ministry of Home Affairs forwarded the report of SDPO, Moreh vide its communication dated 16.4.2014.

AND WHEREAS upon consideration of the reports, the Commission vide proceedings dated 8.7.2014 observed and directed as under:

"We have carefully examined the report of SDPO, Moreh which has been forwarded by the Ministry of Home Affairs, Govt.of

India. According to it, the troops of 20th Assam Rifles led by Major Abishek Bharti laid an ambush at Maipi and Angbrashu track on 1.6.2009 at night after receiving information about the movement of some armed valley based UG cadres in that area. The troops saw two persons moving in a suspicious manner on the said track which leads from Maipi and Angbrashu. On being challenged by the troops to stop, the two unidentified suspects brought down heavy volumes of automatic weapons fired upon the troops. The troops also retaliated in self defense. The encounter lasted for about 35 minutes and both the suspects were eliminated. After the encounter, a search of the encounter site and the adjoining area was made and the following arms and ammunition were recovered near the slain bodies:-

- 1). 1 (one) G-3 assault rifle with one live round in the chamber.
- 2). 2 (two) magazines of G-3 assault rifle.
- 3). 19 (nineteen) rounds of G-3 assault rifle.
- 4). 1 (one) lathode with one live bomb in the chamber and,
- 5). 1 (one) live bomb of lathode.

It is further revealed by the report that the seized arms and ammunition were sent to FSL Pangei for chemical examination and the ballistic expert, who examined the same, opined that the seized arm i.e. 7.62 mm calibre G-3 rifle is not serviceable due to defective return spring and non-alignment of bolt extension and housing. It was also opined that the seized lathode gun is a 40mm calibre grenade launcher and its firing mechanism was working properly. It is further mentioned in the report that frantic efforts were made to establish involvement of the two deceased in U.G. activities but no specific information could be gathered in that regard.

The report forwarded by the Ministry of Home Affairs, Govt. of India completely negates the possibility of an encounter. It is not the case of anyone that the lathode i.e. grenade launcher was used by any of the two deceased persons. As regards the 7.62 mm calibre G-3 rifle, the ballistic expert has opined that it was not in serviceable condition. If the grenade launcher was not used and the 7.62mm rifle was not serviceable, how the Assam Rifle personnel can claim that they were fired at by the deceased persons or that there was imminent danger to their life.

Thus, we find that the Assam Rifle personnel were not fired at by any of the two deceased persons. We also find no evidence to even faintly suggest that the deceased persons were involved in underground activity. It appears that the two persons were spotted at

a desolate track and they were shot dead on the basis of unfounded suspicion. It appears to be a case of extra judicial killing. A notice be, therefore, issued to the Ministry of Home Affairs, Govt. of India to show cause why monetary relief of Rs.five lakhs each be not recommended to be paid to the next of kin of the two deceased persons. Secretary (Home), Ministry of Home Affairs, Govt. of India shall respond to the show cause notice within six weeks."

NOW THEREFORE you are hereby called upon to show cause, if any, on or before 30.09.2014 as to why monetary relief of Rs.five lakhs each be not recommended to be paid to the next of kin of the two deceased persons.

TAKE FURTHER NOTICE that in default, the Commission may proceed to take such action as it deems proper.

GIVEN UNDER MY HAND AND THE SEAL of the Commission on this day, the 8th August, 2014.



BY ORDER
Abhaya
JOINT REGISTRAR

Copy to:

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