

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. 48/14/0/08-09-FE

To

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

23 NOV 2016

Sir/Madam,

With reference to your complaint dated 24/03/2009, 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 8.9.2016 informed that a monetary compensation of Rs.5.5 lakhs has been paid to the NoK of deceased Akoijam Priyobarta. 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: 48/14/0/08-09-FE

Diary Number 32979
Name of the Complainant SUHAS CHAKMA, DIRECTOR
Address NATIONAL CAMPAIGN FOR PROVENTION OF TORTURE, C-3/441-C, JANAKPURI, DELHI , DELHI
Name of the Victim AKOIJAM PRIYOBARTA @ BOCHOU S/O AKOIJAM RAJEN
Address R/O MONGSANGEI BOROI MAKHONG, IMPHAL WEST, MANIPUR , MANIPUR
Place of Incident LANGOL
 MANIPUR , MANIPUR
Date of Incident 3/15/2009

Direction issued by the Commission

This case relates to death of Akoijam Priyobarta @ Bochou, son of Akoijam Rajen, resident of Mongsangei BoroI Makhong. The case was brought to the notice of the Commission through a complaint dated 25.3.2009 sent by Shri Suhas Chakma. According to the complainant, Akoijam Priyobarta was killed by the police commandos in an alleged encounter at Langol in Imphal West District (Manipur) on the night of 15.3.2009. The police claimed that the deceased was a suspected cadre of the "Kangleipak Communist Party" (KCP) and was killed by police in an encounter. However, the family members of the deceased claimed that he was killed in a fake encounter. On receiving notice from the Commission, the IG of Police (HR), Govt. of Manipur, vide his letter dated 4.9.2009 forwarded a report of the Senior Superintendent of Police, Imphal West District dated 31.8.2009. According to the report, on 15.3.2009, the police of Langol police station received information about the movement of KCP cadres which is an outlawed terrorist organization at Iroisemba general area to commit prejudicial activities. Immediately the police party rushed to the area and conducted frisking and checking at Longal Sangal Home area. Some unknown youths were noticed at about 8-10 pm. When the police party asked them to stop, they started firing towards the police. Then the police retaliated. After the encounter, the area was searched and a dead body and one 9 mm pistol with five rounds were recovered from the spot of encounter. Two empty cells were also recovered. The dead body was later identified as that of Akoijam Priyobarta. Alongwith the report, copies of the inquest report and post mortem report were sent to the Commission. It is significant that no magisterial inquiry was conducted in spite of the requirement as per the guidelines issued by the NHRC. The post mortem itself was conducted after a week. According to the post mortem report, the injuries included multiple abraded contusions over an area of 18 cm x 13 cm sizes ranging from 0.3 cm to 0.5 cm to 2 cm x 1 cm all over the face. It indicated that he was beaten up before death. Having considered the facts and circumstances, the inquest report and the post mortem report, we are not inclined to accept the version of the police that the deceased was killed in an encounter. We are fortified in taking the above view by the finding in the report submitted by Justice Hedge Commission, appointed by Hon'ble Supreme Court. After considering all the relevant aspects and circumstances, Justice Hedge Commission has given the following conclusion. "For the reasons stated above, the Commission is of the opinion that the deceased did not die in an encounter." In such circumstances, we are of the view that the next of kin of the deceased should be compensated by the State of Manipur. Issue notice to Chief Secretary, Govt. of Manipur, under Section 18 of the Protection of the Human Rights Act to show cause as to why recommendation should not be made to pay monetary relief to the next of kin of the deceased. Response within four weeks

Action Taken

Status on 5/23/2014

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,

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