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REPORT

OF

THE COMMISSION OF THE JUDICIAL INQUIRY

(MANORAMA DEATH INQUIRY COMMISSION)

(a) To Inquire into facts and circumstances leading to the death of Km. Thangjam Monorama Devi on 11th July, 2004.

(b) To identify responsibilities on the person/persons responsible for the death of Km. Th. Manorama Devi;

(c) To find out any matters incidental thereto;

(c) To recommend measures for preventing recurrence of such incident in future.

Submitted by:

Shri C. Upendra Singh

(Retd. District & Session Judge, Manipur)

Chairman.

CHAPTER-I

INTRODUCTION

1. This is one of the most shocking custodial killing of a Manipuri village girl so savagely, that also after inhuman torture. The custodial death, according to Hon'ble Supreme Court of India, is perhaps one of the worst crimes in a civilized society governed by the Rule of Law. Inspite of repeated directions and various observations of the Hon'ble Supreme Court condemning the custodial torture and death in strictest terms, it is unhappy to note that the Security people here in Manipur do not care to follow the instructions of the Apex Court of our Country. There has been sharp rise in such crimes in this State.

2. In this case, a strong armed troops of 17th Assam Rifles after coming in different Army Vehicles, committed brutal and merciless torture of Km. Thangjam Manorama in various forms during the late night, even in the presence of her family members at her house at Bamon Kampu Mayai Leikai, P.S. Irilbung Imphal East District. Then after issuing an improper Arrest Memo in the night between 10th and 11th July, 2004 (*at about .0030 a.m. according to her family members, whereas 3.30 a.m. according to the 17th Assam Rifles*), she was taken under arrest from her house to different places by the arresting party. But she was never handed over to any police station, even Irilbung Police Station, lies only at a distance of about half a kilometer from her house or to any other police station. No information about her arrest was given by the arresting party at any police station before her death, even she was taken to various places, which according to them, by passing on the roads lying in front of the Police Stations or near the Police Stations namely Irilbung, Imphal, Nambol and Police outpost viz. Kwakeithel. However, the deceased Monorama's, younger brother Doiendro promptly at about 6.30 a.m. of 11th July, 2004 lodged report with the Officer-in-charge of the Irilbung Police station for making search of his sister, who was taken under arrest by the 17th Assam Rifles, by issuing an Arrest Memo in the night at about 00.30 a.m. of 11th July, 2004. But she was found lying death having multiple gun shot and other injuries on various parts on her body, including on her genital organs and thigh on the roadside land of Ngariyan Yairipok Road, near Yaiphorok Maring village, which lies at the distance of about 2 kilometres from the Irilbung Police station. The frightening news of the brutal killing of Km. Th. Monorama Devi after she was being taken under arrest from her house in the night and

that of lying her bullet ridden dead body sometime after dawn on the roadside land of Yairipok road spread like a wild fire throughout the greater Imphal and then the entire valley and some parts of hill districts of Manipur.

3. In connection with the killing of Km. Monorama Devi, two Police cases, one being FIR case No. 29(7)2004 u/s 10/13 Unlawful Activities Prevention Act, 307 Indian Penal Code and 6((LA) 6(1-A) IWT Act and 5 Explosive Substance Act, and another bearing FIR Case No.30(7) 2004 u/s 302/34 IPC were registered by Inspector S. Gunindro Singh, the Officer in charge (O.C. for short) of the Irilbung Police Station. The first one arose from a written report lodged at about 8.30 a.m. on 11.7.2004 by Digamber Dutt, Naib Subedar No. 172262 F of 17th Assam Rifles against a dead person on Viz., Thangjam Monorama @ Henthoi alleging that after handing over one Kenwood and Chinese Hand grenade, she led the party of 17 Assam Rifles to hand over one AK 47 to Chingamakha, Nambol, Tulihal and finally moved towards Yairipok. On reaching Yairipok road on the pretext of urinating, she got down from the Army vehicle but on seeing some persons working in the nearby paddy fields, she started running towards them through the hedges. Then, the arresting party of the 17th Assam Rifles in order to stop her running fired in the air and then shot at her legs and as a result, she succumbed to the injuries at about 3.30 a.m. on that day on Ngarian Road near Yaipharok Maring village. The case was taken up for investigation by the O.C. himself. The second case arose from a written report lodged by the deceased's younger brother Th. Dolendro Meitei at about 1.10 pm on 12.7.2004 alleging that his sister who was taken under arrest by the 17th Assam Rifle around 0030 hours of 11th July, 2004 after issuing an arrest memo was found dead on Wangkhem Ngarian Yairipok Road. On the basis of that Report, the aforesaid Second Case was registered by the O.C. Irilbung Police Station under Section 302/34 IPC against un-named personnel of 17th Assam Rifles and endorsed the case it for the investigation to ASI, M. Nongyai (C.W. 15) and subsequently to S.I. Md. Baniamin (C.W. 16).

4. In both cases, it is significant to note that no person has yet been arrested and no culprit has been identified and no arms used in shooting of the deceased has yet been seized by the Investigating agencies. Further, it is strange to note that instead of identifying the culprits on the basis of the materials collected, the Investigating Agencies, including O.C. Irilbung P.S. are found powerless to proceed the investigation properly and had left it at the discretion and mercy of the Assam Rifles. The Investigating Officer and the

different functionaries of the Police Department moved applications for allowing to examine the Assam Rifles Personnel as they were not easily available. But, it is unhappy to note that the 17th Assam Rifles did not allow to examine those personnel of the 17th Assam Rifles on flimsy and unsustainable grounds, stating amongst others that till the completion of the Army's Court of Inquiry, the Civil Police could not be permitted to examine the personnel of the 17th Assam Rifles. However, it is learnt that subsequently authorities of the Assam Rifles had given cooperation to examine the personnel of the 17th Assam Rifles.

5. In the meantime, a younger brother of the deceased and Secretaries of three different organizations submitted a joint memorandum to the Hon'ble Chief Minister, Manipur for taking up proper action stating the facts of the custodial killing of Km. Th. Monorama Devi after she was taken under arrest by the 17th Assam Rifles in the night between 10th and 11th July, 2004. The Government of Manipur took a prompt action on it and holding that it was a matter of public importance, constituted this Commission of Inquiry under Section 3 of the Commission of Inquiry Act by issuing an order in the name of the Governor of Manipur in that regard by the Chief Secretary being No. 8/1(1)/2004-H(Pt-II) dated 12th July, 2004 to make inquiry into and report on the matters given in the aforesaid notifications constituting the Commission. The terms of the Reference are in the following terms

a) to inquire into the facts and circumstances leading to the death of Km. Th. Monorama Devi on 11.7.2004;

b) to identify responsibilities on the person/ persons responsible for the death of Km. Th. Monorama Devi;

c) to find out any matters incidental thereto;

d) to recommend measures for preventing recurrence of such incident in future.

6. Initially, the date for submission of the report was given only a month from the date of issue of the Notification constituting the Commission which was received by me on the evening of 13th July, 2004. In that case, as 13th, 14th and 15th were public holidays on account of Patriot's Day, Second Saturday of the month and Sunday/the Independence Day, the Report had to be submitted on 16th August, 2004. As the Commission was required to submit the report within a month but the time given for the Report was extremely short, so even before the venue to function the Commission was given and staffs to run the Commission were provided, on getting assurance from the concerned

Department of the State Government that venue would be arranged at the State Guest House, Sanjenthong, Imphal. Public notification inviting statements and information on affidavit from the concerned departments, interested organizations and individuals who have knowledge on the matters under inquiry was issued on 14th July, 2004 fixing date for submission of the statements in affidavit on 19 July, 2004. The public notification was published in three Manipuri dailies i.e. Poknapham, Thoudang and Sanaleibak and two English dailies in Sangai Express (English edition) and Imphal Free Press, in ISTV, the local TV Channel and also in Manipur Gazette. The copies of the Public Notification were also endorsed to the public functionaries of the State Government mentioned in the Government Notice dated 12.7.2004 constituting the Commission, copies of it were given to the Commandant of 17th Assam Rifles, the personnel of the Assam Rifles, whose names appeared as arresting authority of Km. Th. Monorama Devi and two personnel whose names appeared as attesting witnesses in the Arrest Memo and informants of the Police Case, viz FIR No.29 (7) 2004 and 30(7) 2004 Irilbung P.S., Smt. Khumanleima Devi, mother of deceased Monorama, Thangjam Dolendro Meitei, younger brother of the deceased Monorama, Sagolsem Khomdonbi, Sengoi Luwang and Wahengbam Inao whose names find place in the Government Notification as Representationist. Summonses were also issued to the said personnel of 17th Assam Rifles and individuals asking them to appear and file statements in affidavit within the 21st July, 2004.

7. In this Inquiry, inspite of sufficient notice, no one filed statement in affidavit within the date fixed by the Commission. They sought time always and at last when the Commission had ordered that no statement in affidavit filed by the parties after 11 a.m. of 2nd August, 2004, will be accepted, only then on behalf of the victim's family, 3 affidavits namely of victim's mother Smt. Khumanleima and two younger brothers, Th. Dolendro and Th. Basu were filed on 30/7/2004 and on behalf of the 17th Assam Rifles, the Commandant of the 17th Assam Rifles Col. Jagmohan Singh filed a statement in affidavit in the form of factual matrix on 2/8/2004.

8. It may be in the fitness of things to mention here that in view of the terms of reference, as the Commission is required to identify the person/persons involved in the death of Km. Manorama, it is necessary to have the names of the persons who have joined in the operation to arrest the deceased Monorama, and thereafter the Commission asked the Commandant, 17th Assam Rifles to submit the list of the said personnel but in compliance of the notice, no such list as required by the Commission was filed on the date

fixed and mentioned in the notice for reasons best known to the Assam Rifles, without giving sufficient reasons.

9. Earlier for some times, the Assam Rifles tried not to produce their witnesses before this Commission on some grounds or other. First, it is stated that the State Government is required to obtain sanction under Section 6 of Armed Forces Special Power Act, 1958 but the prayer was rejected by me stating that it was raised at late stage, after examination of all the witness produced by parties other than Assam Rifles and moreover that in an Inquiry, before the Inquiry Commission, constituted under the Commission of Inquiry Act, there is no lis, no prosecutor or accused. It is a fact finding body. The question of obtaining sanction will come after the completion of Inquiry, if those members of Arms Forces involved were found wrong. Another ground for non - production of the witnesses was that their witnesses cannot appear due to pressure and coercion of physical threat and danger prevalent against Military Personnel and therefore made a prayer for examining their witness on Commission at Kangla Fort. I had rejected the prayer holding that the witnesses of Assam Rifles who were sought to be examined on Commission at Kangla Fort were not persons exempted under any established law. They did not seek to examine the Assam Rifles personnel on the ground of sickness or infirmity as required under Order 26 Rule 1 of Code of Civil Procedure. The Kangla Fort and the State Guest House where the present Commission is going on is intervened by a road known as Sanjenthong Road. It is also situated in a high security zone and just adjacent east of Chief Minister's official Bunglow. Another ground for not producing the witness was that they wanted to examine their witness in camera. Though it is well settled that in general, all cases brought before the Court and other authorities must be heard in open Court and public trial and to conduct hearing in open Court is undoubtedly essential for healthy objective and fair administration of justice. But there must be some rooms for exception to this general rule and in appropriate cases, examination of the witness can be made in camera. While not rejecting the prayer in toto, I have observed their prayer to examine in camera cannot be granted for each and every witness, and in blanket form and therefore they were to identify those persons and reasons for examining in camera. As for the exclusion of the media people, I held that it can be made only for the examination of some selected and particular witnesses. Further, I had also observed that in that camera hearing, the parties and their Counsel had to be allowed to be present and therefore, it can be made only for the examination of some selected particular witnesses.

10. Thereafter, on various days fixed for examination of the witnesses for the 17 Assam Rifles, no witness was produced. They do not come forward to give evidence without showing any cause. In such a situation, the Commission will be required to examine the person who had the knowledge of matters under the Inquiry under the provisions of the Commission of the Inquiry Act. Keeping in view of the provisions of Sub Section (2) of Section 5 of the Commission of Inquiry Act, in order to unfold the controversy of the matters under terms of reference, of Inquiry, the Commission issued summons to the Commandant Of the 17 Assam Rifles and those persons whose names were known from the records available by then before the Commission. So Commission had issued summons to five persons of the 17 Assam Rifles viz. Col. Jagmohan Singh, Commandant, 17th Assam Rifles and four others viz. Naib Subedar Digambar Dutt, the informant of the FIR Case No. 29(7) 2004 Irilbung, Hav. Suresh Kumar who appeared in the Arrest Memo as arresting authority for arresting Km. Thangjam Manorama Devi and two attesting witness on the Arrest Memo, viz. Rifleman T. Lotha, Rifleman Ajit Singh. In the notice issued to the Commandant he was asked to produce *also a) the aforesaid list of persons of the Assam Rifles who joined in the operation to arrest Km. Th. Manorama Devi in the night between the 10th and 11th July, 2004; b) the Arms register showing the entries for 10th and 11th July, 2004; (c) the relevant register showing ammunitions issued to the party in the operation to arrest Km. Th. Monorama Devi; and d) the number of vehicles and their registration number used in the said operation.* But the summons issued on them was returned without service. It may be noted that the Ld. Counsel appearing for the Assam Rifles also failed to receive the summons on behalf of his clients when the Commission delivered the summons under Order 3 Rule 5 CPC. Thereafter, the Commission had issued fresh summons to the Commandant and on the said four personnel of the Assam Rifles. At last the service was effected by way of substituted services and summons were also published in most of the local dailies, including two English dailies.

11. In the meantime, Col. Jagmohan Singh, the Commandant, 17th Assam Rifles and Commander of 9 Sector, Assam Rifles filed a Writ Petition (C) being No. 6187/2004 before the principal seat of the Hon'ble Gauhati High Court at Guwahati against the State Government and myself as Chairman, Monorama Death Inquiry Commission, questioning amongst others the constitution of this Commission of Inquiry. After hearing the Counsel of the petitioners and State Government, Hon'ble High Court, Guwahati passed an interim order on 18th, August, 2004, whereby the appearance of the said petitioners, No. 1. Col. Jagmohan, the Commandant of 17th Assam Rifles and

Commander, 9 Sector, Assam Rifles shall stand dispensed with. However, it will be open for the Commission of Inquiry to examine them on Commission in camera as was submitted and recorded in the proceeding of the Commission of Inquiry dated 7.8.2004. As in that order of the Hon'ble Gauhati High Court, there was no inhibition from proceeding against those four others other than the Commandant of the 17th Assam Rifles to whom summons to give evidence were issued, accordingly, the Commission has decided to examine those four persons as witnesses, but inspite of summons, none of them appeared before the Commission to give evidence. For more than five times they sought for time for production of the said four persons and as there was no other alternative, I had decided at last to issue bailable warrant of arrest against them to secure their appearance. Then only on 28th August, 2004, those four personnel of the Assam Rifles appeared before the Commission.

12. Then on 28th August, 2004, the Hon'ble High Court, Guwahati passed an order in the aforesaid application for examining the witness of the Assam Rifles in camera at Imphal Central Jail. The operative part of the order runs as follows:-

"Upon the submission of the learned Counsel for both sides, it is provided that let the sitting of the Commission be held at the Central Jail at Imphal to record the statements of the Assam Rifles personnel/officers. The hearing shall be held in Camera, wherein the Counsel for the Commission, Union of India and the Counsel for the Assam Rifles, if any, shall be allowed. Besides the above, the younger brother of late Km. Manorama Devi and her mother shall be allowed to participate in the said hearing of the Commission along with their Counsel and they will also be entitled to cross examine the witnesses of the Assam Rifles.

It is submitted that the Commission of Inquiry was constituted on the joint representation filed by i) Smt. Sagolsem Khomdonbi Devi, General Secretary, Bamonkampu Women Welfare Association ii) Shri Sengoi Luwang, Secretary, All Bamonkampu Development Association (Youth Centre, Irilbung) and iii) Shri Wahengbam Inao Luwang, Secretary, Pureiromba Youth Club, Bamonkampu, Imphal and, as such, a submission has been made that they, along with their Counsel, may be allowed to participate in the said Inquiry at the Central Jail, Imphal. It is provided that if any of these organizations have filed any affidavit

before the Commission or they have led any evidence, their representative/ Counsel may be allowed to participate in the above proceedings.

In view of the order, as above, it is further provided that the statement of the witnesses of the Assam Rifles so recorded, along with the documents produced by them, shall not be made public without the leave of this Court. The above directions are in respect of the Officers/persons of the Assam Rifles only and so far any further proceeding of the Commission is concerned, the Commission would be at liberty to hold their Inquiry at any venue as deem fit and proper. "

13. In compliance with the said order of the Hon'ble High Court dated 28/8/04, I had examined all the witnesses of the Assam Rifles produced by them and one by the Union of India, he being an Assam Rifles personnel and another four personnel of 17th Assam Rifles, including Major MS Rathore, the officer who prepared the arrest memo for arresting victim Mornorama and the person who drew up the First Information Report of FIR Case No. 29(7) 2004, Irilbung P.S. lodged against victim deceased Monorama and 3(three) other personnel of the Assam Rifles, as they were not examined on behalf of Assam Rifles, in camera m Imphal Central Jail.

14. In this Inquiry, the Commission has examined altogether 37 (thirty seven) witnesses out of which two as witnesses of the Action Committees (AC for short), 3 (three) as witnesses of the family of the victim (VW for short), 24(twenty four) as witnesses of the Commission (including three medical officers, one ballistic expert, four police personnel), 2 (two) witnesses on behalf of Union of India (UI for short).

15. As the material witnesses to be examined were many, and over and above that for nearly one month the Commission could not get the appearance of the witnesses of the Assam Rifles and they also sought time on some occasions, the Commission could not complete the Inquiry within the initial time given in the Govt. notification constituting the Commission. I was required to seek time for extension for three times, first till 12/9/2004, then till 12/10/04 thereafter till 12/11/04 and lastly till 22.11.2004. Hence, now this report.

SD/-
Chairman
Manorama Death Inquiry
Commission, Manipur.

CHAPTER-II

FINDINGS: REFERENCE No. 1

It runs in the following terms:-

i) "To inquire into the facts and circumstances leading to the death of Km Th. Monorama Devi on 11.7.2004"

1. There are two episodes in this Reference No. 1, of which one is the scene occurred at the house of the deceased at Bamon Kampu Mayai Leikai, P.S. Irilbung and the other is the episode after she was taken under arrest from her house. First I will dispose of the first episode which occurred at her house.

Episode - A : SCENE AT THE HOUSE OF THE VICTIM

2. In this case it is not disputed that deceased Monorama was taken under arrest by the troops of 17th Assam Rifles from her house at Bamon the Kampu Mayai Leikai in the night in between 10 and 11 July, 2004. In order to make arrest of Monorama Devi the troops of the 17th Assam Rifles had cordoned off her house in the night. By that time deceased Monorama, her mother Khumanleima Devi (V.W.No.1), her two younger brothers namely Th. Basu Singh (V.W.No.2) and Th. Dolendro Meitei (V.W.No.3) were the only members of their family and inmates of their house and were in their respective rooms which were accessible from one to the other adjoining room. The main entrance door which faces on the east of the verandah is affixed to the room of Th. Basu (V.W.No.2), in other words, the room abuts on the verandah of the house.

TORTURE IN MAKING RAID, ARREST AND INTEROGATION

3. At about 0. 30 hrs. when some of the family members were sleeping in their respective rooms, Th. Basu (V.W. No.2) was witnessing a Hindi film entitled *"RAJU CHACHA"* on television in the DD-I Channel in his room, and by that time he heard sounds of presence of some persons on the western side of their house. At that time, victim's mother Khumanleima, after waking up was ready for going to the toilet located on the north western side of their homestead land, through his room (i.e. of Basu). Then on seeing his mother, Basu (V. W. No.2) asked his mother not to go out through the back door affixed on the kitchen but to go through the main/front door saying that he heard some sounds on the western side of the house which he suspected the presence of some drunken persons.

4. In that moment, while Basu (VW No.2) was witnessing television at about 0.30 hours in the intervening night of 10th and 11th July, 2004, without saying any word and giving any warning, there were forcible sounds of kicking from outside on the main entrance door. Immediately, when Basu got up from his bed in order to open the door, but before he could open the door, it was forced open by breaking two bolt-chiknis with which the front door was closed were fallen on the ground *(The bolt-chiknis seized by the Investigating Officer will show the correctness of it).*

5. On hearing the kicking sound on the door, Th. Dolendro (V. W. No.3), who was sleeping in his room lying on the front portion of the house, just adjacent east to the room of his mother Khumanleima, woke up from sleep and rushed to the room of his younger brother Basu (V.W.No.2). Then, 7-8 persons in army uniform and two in civil dress entered Basu's (V.W.No.2) room, and by that time, Khuman Leima was standing near her son Basu. The person who entered first into the room of Basu (V.W.No.2) pointed a small gun towards him. Thereafter, those army personnel entered into other rooms also.

6. Thereafter, one of the army men inquired something in Hindi to Khumanleima and then to Basu. Both Basu and his mother did not know Hindi and then on their silence and failure to reply in Hindi, one person who appeared to be Meitei asked in Manipuri "NAKHOI SIDA HENTHOI KOUBA LEIBRA" (Is there a person named Henthoi?). When he (Basu) replied that there was no one named "*Henthoi*", Manorama came out from her room lying on the adjacent north of Basu and embraced her mother tightly. By that time, when they were inquiring about his sister Manorama in Hindi, Dolendro saw his sister who was there clutching her mother, then an Army Personnel in civil dress having a tall stature of about 6 ft. catching hold of Manorama and tried to take her towards the verandah through the main door. In doing so, Manorama cried exclaiming "IMA IMA KHAMU" (mother, mother, please stop them), immediately her mouth was gagged by the hand of that man. When her mother Khumanleima tried to stop taking away Manorama, the Army in civil dress pushed her and as a result she fell down near the bed. Immediately thereafter, when, she went towards her daughter Manorama again, she was pushed back and in doing so she fell again on the door and as a result of it, she sustained injuries on her person, then Manorama was forcibly taken out by lifting by the said Army personnel having tall stature

in civil dress to the courtyard.

7. However, as ordered by one person who was wearing a raincoat (the person who later on prepared the Arrest Memo), Manorama was brought upto the northern side of verandah, just in front of lier room, on the left side of the entrance door. That person was also seen holding a mobile phone and a small arms in the right hip of his pant. Thereafter, she was slapped on her face and asked her whereabout the guns by that person. By that time Basu and his elder brother Dolendro were sitting on the verandah but they were asked by one Manipuri speaking person in uniform to go inside their house. Accordingly, after entering into the house, Basu (VW No.2) was sitting on his bed whereas his mother Khumanleima (VW NO. l) and brother Dolendro (VW No.3) were standing in that room after closing the door without bolting it. By that time one person in uniform after entering into the room took out a Phadi (local made towel) and then a Khudei from the hanger of Basu. Thereafter, some personnel of Assam Rifles after entering into the kitchen lying behind the room of Basu took out one aluminum vessel and a knife which was kept under the gas stove. Then, after sometime Dolendro (V W 3) saw through partly opened door one personnel of the Assam Rifles pouring water on the face of his sister who was sitting on a bench and by that time the Assam Rifles personnel was holding her hair.

8. By that time, one A.R. personnel ordered to switch off the light of the verandah and accordingly, it was switched off by Basu (VW 2). At that time, Dolendro and Basu heard muffled and dimmed voice of their sister *"IE KHANGDE"* (*do not know*) as a result of gagging of the mouth. Then, Basu (VW2) slowly went to the room of his sister where a tube light was on and when he slightly opened the window of that room, he saw his sister Manorama lying with her back on the ground and her hands behind her back. And by that time, an un-uniformed personnel of the arresting party kneeling on the left side of his sister Manorama was inserting the kitchen knife with his right hand under her underwear. At that time, her wearing Phanek was put down from her waist towards her knees and her thighs were exposed, the T. Shirt which she was wearing was pulled up and buttons of it were seen unfastened and unbuttoned. In that case her breast might have been exposed. This is corroborated by Khumanleima (V.W.No.l), the mother of the deceased stating that when the arresting party brought in Monorama by holding her hair, asked to tell the whereabout of the arms and by that time her daughter Monorama was clutching her wearing Phanek with her left hand, her shirt was also

unbuttoned and both the shirt and Phanek were soiled and wet. Then, according to Basu (VW 2) while he was looking through the opened window, the unhappy scene, on the verandah one person who was standing near the window, showing the butt of the rifle held by the person towards him smashed the window grill which was made of wood and he was taken to his room (*The broken window grill seized by the police will fortify the correctness of it. However due to inadvertence of the Investigating Officer, the photographs and its corresponding negatives were not exhibited).* By that time, while the arresting party were torturing Monorama, on the verandah of the house some of the army personnel had questioned Dolendro (VW 2) who were the accomplices of his sister, whether she was a member of an underground group and where they had kept the arms and when he denied having knowledge, he was slapped.

9. After some time, she (Monorama) was brought inside the house by gagging her mouth. They allowed her to change her dress. Both Basu and his brother Dolendro also say that the wearing garments of their sister Monorma were soiled and wet and as a result of it, her wearing garments seemed tied with the body. Her face was swollen with the tale tell signs of being beaten. After bringing her in her room, the uniform personnel asked Monorama to change her wearing wet clothes and accordingly she did.

10. Thereafter, by about three personnel of the arresting party brought out victim Monorama by dragging from the room by holding her hair and forced her to sit on a bench lying on the northern side of the verandah. One of the person of the arresting party left the kitchen knife stained with blood. By that time, one personnel of the arresting party prepared the Arrest Memo for arresting Monorama on which Monorama and Dolendro (VW 2) were made to sign and thumb mark of Khumanleima (VW No. l) was obtained on it with the ink of a ball pen refill. A copy of the Arrest Memo and No Claim Certificate were given to the family members of the victim.

11. The argument of the Ld. Counsel for the Assam Rifles that in the First Information Report, Exhibit C-12 lodged by Dolendro (Victim witness No.3), nothing was mentioned about the alleged torture on his family members including deceased Manorama Devi and that of breaking door and window and as such these matters cannot be looked into and that it cannot be accepted. An FIR is not expected to state details in minutes more particularly when it is drawn up by a person who does not know much importance of omission. And

therefore, when there is consistent and unshakened evidence supported by other members of the family, the omission is not enough to discard the evidence on such matters. Moreover, FIR is not a substantive evidence and is not encyclopedia of entire case of the informant.

12. Further, the Ld. Counsel appearing for the Assam Rifles fails to see that the story of forcible kicking on the front door and producing breaking sound were heard by a disinterested next door neighbour viz. Th. Sobha Singh (CW No.8) who lives at a distance of 25 ft. on the south western direction. He also heard alarm raised by victim Manorama and that of shouting in Hindi *"MAJI CHUP"* and that of shouting in *Manipuri "IMA PAKHATKANU KARISHU TOUROI"* coming from the house of Manorama. Over and above, the sole marks of shoes appearing on the front door and the broken bolt chiknis and the evidence of breaking of window grill show that the story of breaking the door, window grill and torture are correct.

13. Col. Triveni Prasad, Ld. Counsel appearing for the Assam Rifles further submits that the first Investigating Officer, ASI Nongyai Singh is a most worthless witness and it was wrong on his part to proceed first to the place where the dead body was found lying, instead of visiting the house of Manorama. Here, there is nothing wrong on the part of the Investigating officer to pro'ceed first as he thought the crime originated from the house, on examining the informant. But when the Ld. Counsel for the Assam Rifles argued that the witness spoke on some occasion taking snaps of the photos by himself and on the other occasions by others. Here also, once the witness explains it correctly the discrepancies, it must be taken that the discrepancy will not affect the merit of the case.

(b) NO INFORMATION ABOUT MONARAMA' SACTIVITIES NO ONE OF THE CIVIL ADMINISTRATION COOPTED.

14. Before launching the search and arrest, not only information about the activities of Km. Monorama was not obtained from the local civil authority, no representative of local civil administration was coopted during the raid, search and arrest of Km. Monorama as required by the Hon'ble Supreme Court in pursuance of the decision given in Naga Peoples' Movement of Human Rights-vs-Union of India, AIR 1998 Supreme Court at page 431, as contained in Dos and Donts' in para 53 of the judgement. The relevant portion is reproduced herein:

"53 Do's

1) Action before Operation :

c) *Before launching any raid/search, definite information about the activity to be obtained from the local civil authority.*

d) *As far as possible coopt representative of local civil administration during the raid.*

15. In this regard, it shall be in the fitness of things to place on record the statement given by Shri S. Gunindro Singh, the Officer-in-charge of Irilbung Police Station as Commission Witness No. 17 on the 10 August, 2004. He had stated that the residence of late Monorama lies within Irilbung Police Station. There is no adverse report against the character and integrity of the deceased Th. Monorama in Irilbung Police Station for any other case. There was also no intimation or information furnished by any other security agency, Army and other Police Stations against her till date of giving his deposition except the FIR lodged by the 17th Assam Rifles, in the morning of 11th July, 2004. He continues to state that prior to the lodging of the aforesaid FIR by the Assam Rifles, no intimation or information was given to the Irilbung P.S. about the operation or any raid conducted by the Assam Rifles in the house of Monorama of the Irilbung area between the intervening night of 10th and 11th July, 2004 and the morning of 11th July, 2004.

16. In that case, if the allegation of Col. Jagmohan Singh (AR Witness No. 1) that Manorama had been identified as an extremely hard core PLA in Improvised Explosive Device expert and she had been actively involved in various heinous crimes and blasts resulting in loss of lives of various civilian and security personnel and was well known for her activities given in his statement, there was no reason for not registering a case/cases in the Police Stations. On behalf of the Assam Rifles, no attempt had been made for bringing such important matter on record by examining concerned Officer in charge of Police Station in order to substantiate the allegations and justifying the raid and arrest. Such things will be extremely required in view of the direction of the Hon' ble Supreme Court.

(c) NO WOMAN POLICE

17. Admittedly, there was no Woman Police at the time of raid, search and arrest of deceased Km. Monorama Devi, that also in the late night. It transpired from the First Information Report that after arresting the so called lady cadre late Monorama, the arresting party decided to move and deposit her to Imphal West Police Station, a message was passed to the Police Control Room to arrange for Women Police. This shows that no bonafide arrangement was made for securing the service of the

Women Police beforehand and when the arresting party moved to the house of the deceased Monorama to raid, search and arrest of her. If an application was made or information was given to the Superintendent of Police, Imphal East or West, the service of Women Police could be made available.

18. According to Major N. Dagar, the Assam Rilfes Witness No.2, the preparation of making raid to arrest Km. Manorama @ Henthoi was started from about 5.00 p.m. in the evening of 10th July, 2004 or at least active preparation for proceeding to the house of the deceased Manorama was started from around 12 midnight of 10th July, 2004, which was according to him from about 12.15 a.m. of 11th July, 2004. And from that time Mobile Check Post was established at the base. Then at about 2.20 a.m. approximately, when the source came and confirmed about the presence of Km. Manorama at her house at Bamon Kampu Mayai Leikai, the troops of Assam Rifles were ready to start for proceeding to victim Manorama's house, but Major N. Dagar, the Commander of the team or any Officer of the Assam Rifles had not informed the concerned authority of the Manipur Police Department for arranging Women Police to accompany the team led by Major N. Dagar while making raid of the house and arrest of Km. Manorama.

19. It may be also noted that according to Major N. Dagar (AR Witness No.2), leader of the arresting team, while proceeding to Bamon Kampu, the team led by him first proceeded from Chinga and while going they passed the side of the Chief Ministers' bunglow. In that case, he and his party were to pass on the National highway No. 39 lying just in front of the District Police Headquarters, Imphal West and Imphal Police Station. If the Arresting team desired to have the service of Women Police, the leader of the team or some one on his behalf might have approached the concerned authority for women Police, but for reasons best known to him, no information was given or no request was made for arranging Women Police to Imphal Police Control Room of

Imphal West and Imphal Police Station to accompany them in making raid of the house and arrest of Km. Manorama Devi. In that case, if Major N. Dagar who was leading the team of arresting party had any intention to have presence of Woman Police in making raid of the house, search and arrest of the victim girl, he or someone on his behalf should have entered Imphal Police Station or Police Control Room of Imphal West to have woman Police but it was not done. He does not give any good or bad reason for not doing so.

20. In the FIR, Ejahar, Exhibit C-13 lodged by the Assam Rifles Witness No.6, Digambar Dutt, it is alleged that soon after Km. Manorama was arrested by issuing an Arrest Memo to the family of the arrestee, the arresting team moved to deposit the lady cadre to Imphal West Police Station. But, he failed to see that there was no Police Station of Imphal West which is a District. That is to say in Imphal West District; there are many Police Stations. Accordingly, a message was duly passed to the Control Room to arrange for woman Police but it is strange to note that the informant Digambar Dutt does not know anything what were written in the FIR (Ejahar) and about sending message for woman Police to the Police Control Room. Really, according to his version, he simply signed on the FIR without knowing what were written therein. He simply states that without knowing the contents of the FIR, as asked by Major Rathore, he signed on the FIR. If this is the position, it is to be taken the FIR lodged by him has no value and is not proved according to the law or under any established procedure.

21. About sending the message to the Police Control Room for woman Police from the house of the arrested lady Manorama or near about her house, no one supports it. On the material date and time, in the Imphal West Police Control Room, two Police personnel viz. Constable Shri Aribam Gopeshor Sharma (Commission Witness No.12) and Constable Shri Konsam Sharat Singh (CW No. 13) were on duty. The duty hours of

Shri Aribam Gopeshor Sharma(CW NO.12) was from 6.00 a.m. to 12 noon of 10th July, 2004 and thereafter from 6.00 p.m. to 12 midnight of 10th July, 2004, and during that period of his duty hours he had not received any message from anyone of the 17th Assam Rifles for arranging woman Police. He had also not received any application or message from the side of the 17th Assam Rifles requesting for woman Police. Another Police Constable viz. Konsam Sharat Singh(CW No.13) says that he was on duty from 12 midnight of 10th July, 2004 and his duty hours at the Police Control Room was up to 6.00 a.m. of 11th July, 2004. During his duty hours, they had not received any call/message for woman Police from 17th Assam Rifles or their men. The two Police personnel say that the procedure for requesting woman Police is to approach the Superintendent of Police, Imphal West by making application, who in his turn will endorse the application to the Police Control Room, Imphal West. But they did not receive any endorsement or direction from the S.P., Imphal West for giving woman Police. Further, if the Police Control Room received any request for woman Police, they are to forward the request/report to the S.P., Imphal West, who was always contactable over phone.

22. Besides, the Control Room of Imphal West Police, according to Shri A. Gopeshor(CW No.12), there is another Police Control Room known as DGP(Director General of Police) Control Room, but that Control Room has no woman Police, that is to say that no woman Police is posted there at. And as such if any request is made to the office of the DGP Police Control Room for woman Police, the requisition received by it has to be forwarded to the Imhal West Police Control Room for providing woman Police but on the said day of 10th and 11th July, 2004 at any time, no application was received from the DGP Control Room for woman Police. Thus, the allegation as to making of request to the Police Control Room for arranging woman Police is a naked lie. Further, no convincing explanation is given for proceeding to raid, search and arrest of a girl without woman Police.

23. After hearing the evidence by the two Police Personnel posted in the Police Control Room and knowing that they do not support the plea of the 17th Assam Rifles, as allged in the First Information Report, Ex-C/13, their stand of sending message as alleged in the FIR, had been changed and tried to show that the message for the woman Police was sent not to the Police Control Room, Imphal West Police but to one of the Assam Rifles person stationed at a structure adjacent to the Police Control Room. Here one Rifleman of the Assam Rifles viz. GD Shyam Kumar Sinha (Union of India Witness No.1) says that his duty is somewhat Liaison in nature between the Assam Rifles and the Police and Army. He says that at about 3.15 a.m. a Police Personnel of Imphal West Police Control Room, Shri K. Sharat (CW No. 12) informed him that a phone call for him was there and then on holding the telephone receiver, he knew the person who rang was Major MS Rathore and informed him that a woman cadre was apprehended and therefore, he had been asked to make report ot the Imphal Police Station about it and arrange for one lady Constable at Imphal Police Station about it and arrange for one lady Constable at Imphal Police Station and thereafter phone to him (Manor Rathore) to Chinga. It is strange to note that though he alleges that the place where he used to stay was just adjacent to Imphal West Police Control Room but in different structures; and he was awaken by a Police Personnel of Imphal West Police Control Room, namely, one Sharat Singh (CW No. 13) and even it is to be taken that his allegation is correct, he did not approach to Imphal Police Control Room for woman Police or to the S.P., Imphal West who was always contactable by telephone or wireless from the Police Control Room of Imphal West or Imphal Police Station or from anywhere. He did not approach the O.C. of Imphal Police Station and did not lodge any report with the O.C., Imphal Police Station in compliance with the direction to Major rathore as alleged by him. The Police Officer to whom request was made by him for sending woman Police to Chinga hill was S.I. Th. Chaoba Singh (CW No. 14). Even S. I. Chaoba Singh asked him to come with a requisition letter from the

S. P., Imphal West, he did not do according to the direction or did not try to contact by phone the Superintendent of Police, Imphal West or by going to the office of the S.P., Imphal West which was in the same building with the Imphal Police Station.

24. Thus, the arresting party of the 17th Assam Rifles led by Major N. Dagar(AR Witness No.2) had ignored the established principle as laid down in Sub Section(2) of Section 51 of Cr.PC and Sub Clause(3) of Section 100 of Cr.PC that whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency. Not only this the arresting party of Assam Rifles did not care to follow the decision of the Supreme Court given in Naga Peoples' Movement of Human Rights vs Union of India, AIR 1998 Supreme Court 431, *"Ensure that women are not searched/arrested without the presence of female Police. In fact, woman should be searched by female Police only".* While conducting the search and arrest of Km. Manorama if the Assam Rifles had followed the Do's and Don'ts as laid down by the Hon'ble Supreme Court and if any woman Police accompanied the Assam Rifles party in taking her after arrest to different places, unfortunate incident might not have happened and there might be witness other than the Assam Rifles personnel to what the personnel of the Assam Rifles did on the arrested lady and will be able to ascertain whether the version of the Assam Rifles that she was shot dead while trying to escape is correct or not and if torture of any kind was made or not.

(d) TIME OF ARREST

25. As to the time of arrest of Km. Manorama, there is a big difference of time between the version of the victim's witnesses, namely, mother and her two younger brothers and according to them it was at about 12.30 a.m. but according to Major N.Dagar, who led the arresting party and

other witnesses of the Assam Rifles, it was at about 3.30 a.m. Thus, there is a big difference of time of about 3 hours.

26. In order to ascertain which version is correct one, I have decided to examine the shopkeeper who runs a PCO near the house of deceased Km. Manorama, as according to the version of the Assam Rifles, that shopkeeper had shown the house/gate of deceased Manorama. On ascertaining the particulars of the person who run the PCO was found none but Kangabam Ajit alias Nongyai(CW No.23) as there was no other PCO in the entire Bamon Kampu and near the house of deceased Manorama at the material time. But on examination he denies of showing the house of Manorama on the said date and time. What he deposes is that he was awaken from his sleep in the night at about 1.20 a.m. of 11th July, 2004, the day of the death of Km. Manorama by forcible knocking of the door of PCO from outside. But he does not know or say that if it was done by the Assam Rifles. Thus, except ascertaining that the allegation of the Assam Rifles that one person who run the PCO had shown the house/gate of deceased Km. Monorama is a false story, , no useful purpose would be served by his examination.

(e) ARREST MEMO IMPROPER AND NOT PROVED

27. In the Arrest Memo(Ex.C-13) Havildar GD Suresh Kumar (AR Witness No. 3) is shown as the arresting authority, and two Assam Rifles personnel namely, Rifleman T.Lotha, (AR Witness No.4) and another Rifleman Ajit Singh(AR Witness No.5) are shown as attesting witnesses besides the signature of Km. Manorama. But Havildar Suresh Kumar (AR Witness NO.3) whose name is shown as Arresting Authority clearly says that he does not know anything about the Arrest Memo(Ex.C-13) and has no knowledge about the arrest of deceased Km.Manorama. While giving evidence he says that after about 20 to 25 minutes of the entry of Major N. Dagar and Major MS

Rathore into the house of Km.Manorama, he was called by Major MS Rathore saying that a lady UG cadre had been arrested, and asked him to sign on an already prepared Arrest Memo, and accordingly he did. Thereafter, Rfn.T.Lotha and Rfn.Ajit Singh were also called one by one by Major MS Rathore. He also clearly state that when he signed on the Arrest Memo, he was not shown the arrested lady cadre. The statement of Rifleman T.Lotha(AR W.NO.4) is more or less the same with that of Havildar Suresh Kumar. His evidence is that after about half an hour of the entry of Major MS Rathore, Major N. Dagar and the civilian source into the house, he was called by Major MS Rathore and showed a paper telling that it was an Arrest Memo in respect of apprehending one UG lady cadre. Then as asked by Major MS Rathore, he had signed on the Arrest Memo by putting signature C-13/D 11/2. Rifleman Ajit Singh(AR W.No.5) also says that as he was called by Major Rathore after about half an hour of their entry he went in the house of Monorama. Then as asked to sign on the Arrest Memo by Major MS Rathore, accordingly, he put his signature marked C-13/D 11/3. When he put his signature, the other signatures appearing on the Arrest Memo were already present. Thus, he did not see who else other than him, signed on the Arrest Memo. He also did not see the arrested lady cadre at the time when he put his signature.

28. Further, it should not be overlooked what one Assam Rifle personnel Rifleman SK. Singha (Union of India Witness No.2) said that at about 3.15 a.m. on 11th July, 2004 he received a call from Major MS Rathore of the 17 Assam Rifles(CW No.19) for making arrangement of a woman Police as a woman cadre had been arrested and he phoned in reply to Major MS Rathore(CW No.19) at Chinga. Thus, the said arrest of Km. Manorama must be sometime before the time given by the Assam Rifles, because in making raid and arrest and thereafter in interrogation, it will take not less than one hour or so. In that case, the search and arrest were made much before the time given in the Arrest Memo and the arresting team of 17 Assam Rifles led by Major

N. Dagar reached much ahead of 3.30 a.m. which is the time given in the Arrest Memo.

29. Thus, the so called Arresting Authority, viz. Havildar Suresh Kumar (AR W No. 3) and two attesting witnesses viz. Rifleman T. Lotha (AR W No.4) and Rifleman Ajit Singh (AR W No. 5) do not know anything how the arrest of alleged lady cadre Km. Monorama was made. They only put their signatures on the Arrest Memo (Ex-C/13) as asked by Major MS Rathore. They goes to state that they did not even see the arrested lady cadre mentioned in the Arrest Memo at the time of putting their respective signatures and moreover when each of the signatories of the Arrest Memo signed, the other signatories were not present and did not see putting those signatures appearing on the Arrest Memo. Thus, in true sense of the term, Havildar Suresh Kumar cannot be the Arresting Authority and Rifleman T. Lotha and Rifleman Ajit Singh cannot be treated as attesting witnesses as they did not see arresting the alleged lady cadre and signing of any person on the Arrest Memo in their presence. In short, Havildar Suresh Kumar (AR W No.3) who is shown as Arresting Authority denies preparation of the Memo of Arrest and therefore he cannot be treated as Arresting Authority. It was also same position in case of those two witnesses, viz. Rfn.Ajit Singh and Rfn. T. Lotha and therefore, they cannot be treated as attesting witnesses.

30. Thus, Major N. Dagar(AR W 2), the Commander of the arresting team and Major MS Rathore (Commission Witness No. 19) have violated the direction of the Hon'ble Supreme Court in D.K. Basu vs State of West Bengal, AIR 1964 Supreme Court 610 given at para 36(2). It is reproduced hereunder:

> *That the police personnel carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one*

witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

31. It shall not be overlooked that deceased Monorama lived with her family members consisting of mother Khumanleima and two younger brothers Dolendro and Basu in a congested locality which was being surrounded by many inhabited houses. But inspite of the direction of the Hon'ble Supreme in the said case of D.K.Basu –vs- State of West Bengal that the arrest memo shall be attested by one witness which may be, either a member of the family or respectable persons of the locality, where the arrest is made, in the instant case, no signatures of any member of the family of the so called lady cadre or any person of the locality either respectable or not find place in the Arrest Memo as attesting witness and no reason either good or bad is also given for it. Giving of a copy of the Arrest Memo cannot equate with attestation because furnishing copy must be made afterwards and the person to whom copy of the Arrest Memo may be given may not be present at the time of arrest and preparation of Arrest Memo. They are for different matters.

32. The reasons given by Major MS Rathore of Assam Rifles(CW No.19), for not signing as an Arresting Authority on the Arrest Memo, which was prepared by him is that as he was an Officer of the Indian Army on deputation to the Assam Rifles, Havildar Suresh Kumar was made the Arresting Authority is not convincing. There is no bar from his appearing as Arresting Authority and he being the maker of the Arrest Memo can be called by any lawful authority whenever required from any place. Thus, the reasons for putting the burden on the subordinate persons who had no knowledge can not be accepted. The subordinates should not be made a scape-goat.

proforma of the Arrest Memo was attached thereto and had informed for necessary compliance of the direction of the Hon' ble Supreme Court in the matters of arrest by Security Forces. The aforesaid authorities were asked to comply strictly with the instructions of the Supreme Court under Government's letter Ex.C-54/1.

35. The proforma of the Arrest Memo prepared by the Home Department attached to the Home Department's O.M.No.2/8(86)/96-H dated 5/6/97 was prepared in accordance with the conditions laid down in the aforesaid judgement of the Supreme Court in D.K.Basu –vs- State of West Bengal. In that proforma though for the arresting authority, name and the rank are required to be given because they are and must be the persons in authority and therefore must have their rank. But as for signature of the witness, it is not necessary to give rank and number, in other words what is necessary as shown in the Arrest Memo is only the particulars of the witness, say his/her father/husband's name and address etc. only.

36. Thus proforma of the Arrest Memo used for arresting victim Manorama does not find in conformity with the said instructions of the Apex Court of the Country, and the Arrest Memo for which proforma was issued to various functionaries of the Government, Armed Forces and Para-military forces including that of the Assam Rifles by the Home Department, Government of Manipur. It appears that the proforma used by the Assam Rifles was prepared in order to exclude the members of the family of the arrestee or respectable person of the locality from where the arrest is made. It is highly improper. But surprisingly, Major Rathore of 17 Assam Rifles while giving statement as Commission Witness No.19, who prepared the Arrest Memo, states that so far as he is concerned the Arrest Memo(Ex.C-13) was in conformity with the form issued by the Home Department, Government of Manipur. And he goes to state that the proforma was issued and

33. The Hon' ble Supreme Court in D. K. Basu –vs-State of West Bengal, AIR 1997, Supreme Court 610 has clearly laid down at para 36(2) of the judgement quoted above that the Memo of the Arrest shall be attested by at least one witness who may be either a member of the family or a respectable person of the locality from where the arrest is made. The direction cannot be flouted by issuing a forged proforma. But the proforma used in arresting the victim Manorama was not in accordance with the aforesaid instructions. In this regard, the Home Department of the State Govt. prepared a proforma of the Arrest Memo, in pursuance of the said direction, wherein nothing is mentioned about the number and rank of the Attesting Witness.

34. In order to ascertain if the Assam Rifles authorities had received necessary instructions of the State Government for complying with the instructions of the Hon'ble Supreme Court in W.P.(Crl.) No. 539 of 1986 and No.592 of 1987, that is the case of D.K. Basu –vs- State of West Bengal, reported in AIR 1997 Supreme Court 610, the relevant documents were brought on record and drawn the attention of the Commandant of the 17th Assam Rifles, who is the highest functionary of the Battalion. It may be recalled that the Deputy Secretary for Government of Manipur informed various functionaries of State Government, Army and Paramilitary, including Inspector General(N) Assam Rifles, C/O 99 APO, Inspector General of CRPF(M&N), Langjing, Deputy I.G./BSF, Manipur and Nagaland, Koirengei about the requirements to follow the said instructions of the Hon'ble Supreme Court in the matter of arrest and re-iterated that the arresting authority should ensure to strictly comply with the requirements laid down by the Hon'ble Supreme Court in the said case of the D.K.Basu-vs-State of West Bengal. In that letter, it was clearly mentioned that the State Government of Manipur's earlier letter No.5/5/97-Case/L dated 22/2/1997 marked Ex.C-54/2 Public Notice No.5/5/97-Case/L dated 28/2/97 marked Exhibit C-54/3 and Home Department's O.M.No.2/8(86)/96-H dated 5/6/97 marked Ex.C-54/4 wherein the

provided by the higher authority of their company. Issuing of the proforma of the Arrest Memo to the Companies of the Battalion is also admitted by Col.Jagmohan Singh, Commandant of 17th Assam Rifles, when he was questioned on recall by the Commission on 12th and 13th October, 2004. Thus, it will be wrong to accept the version that they were not aware of the receipt of proforma of Arrest Memo prepared by the Home Department, Govt. of Manipur. It may be noted that in the Arrest Memo(Ex.C-13), the Home Department, Government of Manipur was misquoted in order to purport to be one prescribed by the Home Department.

(f) SEIZURE IS DOUBTFUL

37. Seizure Memo (Ex C-18) goes to show that Naib Subedar Digambar Dutt, bearing No.C172262F of 17th Assam Rifles in presence of witnesses namely Hav.Suresh Kumar(AR Witness NO.3) and T.Lotha(AR Witness No.6) seized (a) one radio set, Kenwood Th-22AE made in Singapore and (b) Chinese hand grenade(live) from the possession of the deceased Th.Manorama Devi who was said to be PLA activist at .0330 hours on 11th July, 2004 from the house of Km.Th.Manorama Devi @ Henthoi of Bamon Kampu Mayai Leikai. But the alleged seizure is not proved and supported by the said three personnel of 17 Assam Rifles and they clearly say that they did not see the seizure of the said incriminating articles and they merely signed as ordered by Major N. Dagar(AR Witness No.2) at the places shown by the latter on the seizure memo. According to these three witnesses of Assam Rifles, the place where they put their signatures as Seizing Authority and attesting witnesses was not at the house of the lady cadre, now deceased as shown in the Seizure Memo as place of seizure but on the bonnet of the modified Gypsy which was found parked on the road. The place where the Gypsy was parked lies at the considerable distance, after going on a lane from the house of the deceased Manorama.

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38. It is also significant to note that the said Digambar Dutt, Naib Subedar says that signature of the said lady cadre marked "X-1/1" was already there on the seizure memo, when he put his signature as seizing officer and does not know when and where and who had obtained the signature. The signatures of two other personnel of Assam Rifles, viz. Hav.Suresh Kumar and Rifleman Lotha were also not found existing at the time when he put the signature(Ex.C-18/D-10/4). He also goes to state that before he had signed on the Seizure Memo, the contents of it was not read over to him but only told and shown the two articles by Major N.Dagar by taking out from his bullet proof jacket saying that they had been recovered form the house of lady UG cadre. Thus, there is flaw in the seizure and preparation of Seizure Memo.

39. The time shown in the seizure memo was at 3.30 a.m. of 11th July, 2004. As to how it could be at 3.30 a.m. is also doubtful and if it is correct, the time of arrest of Km. Manorama was wrong. According to the evidence given by the three victim's witnesses, namely mother Khumanleima and two brothers Dolendro and Basu say that after preparation and handing over of the Arrest Memo for the arrest of victim Manorama, the party of Assam Rifles remained for some hours or at least for considerable time. In that case, if in the Arrest Memo, the time of arrest of lady cadre Manorama was 3.30 a.m. then even the incriminating articles were seized from the house of the deceased Manorama, the time of seizure cannot be 3.30 a.m. Even Digambar Dutt, the Seizing Officer and two seizure witnesses, Suresh Kumar and T. Lotha do not support the seizure of any incriminating articles from the house of Manorama.

It is also necessary to note that the time of coming out from the house of Manorama and their presence near the bonnet of the modified Gypsy was after sometime of their coming out. Thus, it cannot be at 3.30

a.m. Further, what were written in the Arrest Memo (Ex C-13) prepared by Major Rathore, but issued by Havildar Suresh Kumar, cannot be overlooked at column No.8. In the Arrest Memo relating to "property if any recovered from the arrestee and taken into charge at the time of arrest", it was written "Nil". And if at 3.30 a.m. of 11 July, 2004 at the time of arrest of Km. Manorama Devi @ Henthoi, no property was recovered from the possession or at the instance of the arrestee Km. Manorama's house, no article was recovered by saying "nil", it is questionable as to how at the same time at 3.30 a.m., recovery of the said incriminating articles namely Kenwood and hand grenade could be made. It is not explained by the Ld.Counsel appearing for the Assam Rifles and the Officer who prepared the seizure memo.

41. Besides the said defects, it is alleged by Major N. Dagar(AR W No.2) and Major MS Rathore (CW No. 19) that Major N. Dagar in making some search of the room of Km. Manorama, could receive a Diary and scrapes of papers on which some Radio Frequencies and code signs were written thereon but nothing about the recovery of such incriminating articles were shown in the seizure memo and they was not produced before the Commission also.

(g) GENUINENESS OF ALLEGED SIGNATURE OF THE VICTIM ON THE SEIZURE MEMO DOUBTFUL

42. Another significant feature which cannot be overlooked is that signature marked Ex. C/13 (1) put by deceased Manorama on the Arrest Memo is not similar or does not look identical with the signatures marked "X/1" said to have been put by the deceased Manorama on the Seizure Memo Ex. C-18, and said to have been obtained by Major N.Dagar (AR W NO. 2). Every letter in the signatures Ex. C-13 /1 and X/1 differ drastically. It appears to me that the signature marked "X/1" to be one manufactured by the person who had drawn up the

seizure memo, or if not, by someone other than deceased Manorama. Major N. Dagar(Assam Rifles Witness No.2) and Major MS Rathore(Commission Witness No.19) clearly admit that signature appearing on the seizure memo as of deceased Manorma looked different from the admitted signature of deceased Manorama appearing on the Arrest Memo. The victim's brother Basu and Dolendro clearly say that the signature appearing on the Seizure Memo purported to be one written by the victim Manorama is not the signature of their sister Manorama. Challenging these facts not a single question was put to them by the Ld.Counsel appearing for the Assam Rifles. Thus, it requires thorbugh investigation.

47. It is worth to note that the spelling of alleged signature of victim Manorama marked "X-1" appearing in the Seizure Memo is not correct and is different from the spelling of Th.Manorama appearing in the Arrest Memo. This is admitted by Major MS Rathore who drew up the Arrest Memo while deposing as a witness of the Commission. If both the signatures appearing on the Arrest Memo and the Seizure Memo were written by victim Monorama or by one and same person, there was no room of committing mistake in spelling or looking different.

These circumstances cast a doubt to the genuineness of the seizure of the said incriminating articles.

CHAPTER –II

i) "To inquiry into the facts and circumstances leading to the death of Km. Th. Manorama Devi on11.7.2004."

Episode –(B): OUTSIDE THE HOUSE OF THE VICTIM.

(B) WHERE THE VICTIM MONORAMA WAS TAKEN FROM HER HOUSE ?

It is an undisputed fact that after Km. Manorama was taken under arrest from her house in the night between 10th and 11th july,2004, her bullet ridden body was found on the roadside land of Imphal Yairipok road, in the morning. But it is not clear as to which place or places, she was taken and how she was found lying dead there having multiple bullet injuries. It will be known correctly only by the victim Monorma and members of arresting team of Assam Rifles. But as victim is no more now, this can be answered only by the arresting team Assam Rifles. But the evidence given by them in this regard, is not free from obscure.

Instead of handing over the deceased Monorama after arrest to the Irilbung Police Station, which lies only about half a kilometer distance from the place of arrest or to any other Police stations, according to the evidence given by Assam Rifles witness No.2 to 6 namely, Major N. Dagar, Commander of the arresting team, Hav. Suresh Kumar, Rifleman T. Lotha, Rifleman Ajit Singh and Naib Subedar Digamber Dutt respectively and 2 other personnel of Assam Rifles who are examined as Commision Witness No.19 and 20, namely, Major M.S. Rathore and Havildar N. Paite after making arrest the deceased Monorama was taken first to Singjamei Super Market. Now, I will examine as to whether she was brought really at Singjamei Supermarket or taken to other place or places.

3. In the First Information Report, Ext. C-17 (corresponding to D/13) written by Major Rathore, (C.W.19), and lodged by and in the name of Naib Subedar Digambur Dutt (A.R. Witness No.6) nothing was mentioned about taking the deceased to Singjamei Super market or Chinga but only mentioned about taking the victim to Chingamakha, Nambol, Tullihal and finally towards Yairipok. This report was drawn up after the victim was shot dead, and if she was not taken to Chingamakha, as to why it was alleged therein as such. Thereafter, according to Major N. Dagar, Assam Rifles Witness No. 2, she was taken towards Yairipok from Nambol by passing airport road. As to whether they took the victim to Nambol side or not, there is no sufficient evidence to show that she was taken to Nambol by passing airport road except that of evidence given by Major N. Dagar. Here, other personnel of Assam Rifles who joined in the arresting party only say that they brought the victim to the airport road and then returned towards the Yairipok road.

4. As to the reasons for taking of victim Monorama to the said places after making arrest, Major N. Dagar, (A. R. Witness No. 2) Commander of the team alleges that when he and his party were to move on their vehicles for going to Imphal West Police Station to handover the victim, he heard the arrested lady cadre talking very rapidly to the source, and then the source came and reported to him that the arrested lady cadre was leading to the place of Self Style Lt. Ruby, who had one A.K. Rifle with her. Then without ascertaining as to the correctness of the information, he and his party proceeded as led by arrested lady cadre. Monorama to Singjamei Supermarket, but there is no evidence to show that the lady cadre asked to drive the vehicles to Singjamei Supermarket. Here it can be asked in case of arrested victim Monorama before proceeding to arrest her, even when the source who was a person confided much by him and relied on as their own man, took much time to act on his words, but how Major N. Dagar had decided to act on the words of and decided to follow the lead of the arrested victim Monorama who was treated by them as most unreliable and dreaded woman without verifying the correctness of her version. At

the time when he and his party or before deciding to follow arrested victim Monorama, he did not try to understand as to where SS Lt. Ruby would be found and did not examine as to whether information said to have been given by the arrested lady cadre would be correct. And so it is questionable as to why without ascertaining the where about of so called lady cadre SS Lt. Ruby, they came to the area of Singjamei Supermarket, following the lead of the arrested lady cadre. So, it is difficult to believe the version of Major N. Dagar in this regard.

5. Then, Major N. Dagar (A.R. Witness No. 2) says that when he asked the source for ascertaining the house of SS Lt. Ruby, he was told that it was at Chinga but he did not try to ascertain which part of Chinga or on which side of it. But without verifying, he and his party came to Singjamei Super Market and even the arrested lady cadre disclosed that the house of SS Lt. Ruby was at Chinga. His explanation that Chinga and Supermarket are same to his understanding is difficult to accept. Because he is a Commanding Officer of the 17th Assam Rifles Camp at Chinga and thus, he must know what is Chinga and the difference between the two places. Moreover, the next in Command, Major M.S. Rathore is an old hand as he has been at Assam Rifles Camp at Chinga for more than one and half years.

6. According to Major Rathore soon after Monorama had been arrested from her house, as asked by Major Dagar, Commander of the arresting team, by taking the codeless telephone of Major Dagar, he had telephoned to Rifleman SK Singha (Union of India Witness No. 1) who was posted as a Representative of 17th Assam Rifle at Imphal Police Control Room and asked the latter to arrange for a lady constable from Imphal Police Station and then phone to him at Chinga. Constable K. Sharat (C.W. 13) who was on duty in the night of 11th July, 2004 also corroborates that portion of the statement, as to fact of getting telephone call for Rifleman SK Singha (Union of India Witness No. 1) who used to live in a structure

lying adjacent to Imphal Police Control Room but on the same floor as a representative of Assam Rifles, in the night at about 3 to 3.30 a.m.

7. The version of the 17th Assam Rifles, Rifleman SK Singha,(Union of India Witness No.1) is very important in determining as to whether Monorama was brought at Assam Rifles Camp at Chinga hillock. He in clear terms deposes that what was asked by Major Rathore over phone to him was to make arrangement for a lady constable saying that a lady cadre has been arrested and then contact him at Chinga. Further, according to him, Chinga is a hillock where a camp of Assam Rifles is situated and the person who contacted by him at about 3.15 a.m. over phone or so, was Major MS Rathore at Chinga and not Major N. Dagar to the cordless telephone of the latter. If Major Rathore had a mobile or cordless phone, and might be with him while proceeding to arrest the victim Monorama at Bamon Kampu Mayai Leikai but as Major Rathore clearly states that as he had no phone with him after taking cordless phone from Major N. Dagar, he made call to Police Control Room and contacted Rifleman S.K.Singha. It is an unquestionable matter that number of a cordless or mobile phone of Major Rathore will not be same number with that of Major N. Dagar. In that case what SK Singh made the reply call informing Major Rathore over his phone must be on the phone stationed at Chinga, Assam Rifles Camp. If such is a position, victim Monorama might have been brought undoubtedly at 17th Assam Rifles Camp at Chinga Hillock and not at Singjamei Supermarket.

8. Moreover, according to Major N. Dagar (A.R. Witness No. 2), MS Rathore is an old hand at the Assam Rifles Camp and he knows the areas of Imphal and its neighbouring areas. Accordingly, he asked Major Rathore to drive modified gypsy. This is admitted by Major MS Rathore also, while giving evidence as Commission Witness no. 19, by stating that he had been at Chinga Camp of Assam Rifles for more than one and half years.

9. Further, SI. Th. Chaoba Singh of Imphal P.S says that said person (Rifleman SK Singha) who came to him in the night at about 3.15 a.m. who identified himself as an Army Operator was unknown to him. He told him to send some women police to Chinga Hill as an arrested woman was there and also told that they were going to deposit arrested woman at the police station. Not only this, the Ld. Counsel appearing for the Union of India/Assam Rifles has admitted that the arrested woman was at Chinga hill. A question was asked, in the following terms :

> *"Did you advise the army operator to go to the control room to contact the S.P. Imphal West either by telephone or wireless set to inform him to issue a requisition letter for the woman Police Constable to go for the arrested women who was there in the Chinga hill at 3.30 a.m. on 11th July, 2004 ?*

10. Thus, it must be taken that the alleged arrested lady cadre Monorama must be brought from her house to Chinga hill where 17th Assam Rifles' Camp was there. This is an inescapable conclusion.

11. Further, it is necessary to bear in mind what Col. Jagmohan, Commandant of 17th Assam Rifles said about SS Lt. Ruby. The statement of Col. Jagmohan Singh given in examination-in-chief while giving evidence as Assam Rifles Witness No. 1 will reveal that the aforesaid statement of Major N. Dagar (AR No. 2), the Commander of the arresting team is unreliable piece of evidence which cannot be acted upon. Col. Jagmohan Singh while giving statement as Assam Rifles Witness No. 1, states that Km. Monorama had been working with People Liberation Army (PLA in short), Intelligence and IED wing,. and that one of the arrested members of PLA who had been arrested by Manipur Police revealed in the interrogation that self styled Corporal Henthoi @ Monorama was working under one SS Lt. Ruby of the PLA. In that case, the 17th Assam Rifles more particularly Col. Jagmohan and high ranking officers of the 17th Assam Rifles, including Major N. Dagar and Major

Ms Rathore, might, if not must, be knowing the house and whereat and particulars of SS Lt. Ruby, before hand. There was no logic in statement of Major Dagar that he was following the lead of the arrest lady cadre Monorama to find out the house of SS. Lt. Ruby as particulars of her were with them. Even earlier if he did not know, whereabouts or house of Lt. Ruby, when he contacted Col. Jagmo Singh over phone or when the latter contacted him over phone in the night of arrest of victim Monorama before taking from the house, Major N. Dagar might ascertaining the house of SS Lt. Ruby or informed thus, the story of asking deceased Monorama after arrest to find out house of Ruby at Singjamei Supermarket, airport side or Nambol difficult to believe.

12. In this regard, it appears that the witnesses of the 17 Assam Rifles not depose the facts truthfully before the Commission. In such situation, the evidence given by Major N. Dagar that after making arrest of Monorama, she was brought at Singjamei Super Market is in order show that if it is disclosed about bringing at Chinga where Assam Rifles Camp was stationed there, people may have suspicion against the act the Assam Rifles. Thus, I take that it is a second thought a improved version.

13. About bringing Monorama at Nambol, the witnesses of Assam Rifles Hav. Suresh Kumar (A.R. Witness No. 3), T. Lotha (A.R. Witness No. and Ajit Singh (A.R. Witness No. 5) who were in the arresting team not support it. And thus, there is every possibility of brining deceased Monorama first to the Assam Rifles Camp at Chinga and then to the (illegible) where her dead body was found lying.

CHAPTER - II

i) "To inquire into the facts and circumstances leading to the death of Km. Th. Monorama Devi on 11.7.2004."

Episode - B : OUTSIDE THE HOUSE OF THE VICTIM.

C. HOW DECEASED MONORAMA WAS SHOT DEAD?

1. As to how deceased Monorama was shot dead, there is no other direct evidence except that of Assam Rifles personnel and therefore we are to see how far their version can be accepted.

2. In the first information report Ext. C-17 corresponding Ext. D/13, it is alleged that on reaching Yairipok road after going about 3 km. from Irilbung P.S, victim Monorama requested to get down from the vehicle to urinate and she was allowed to get down from the vehicle. But on seeing some persons working in the paddy field, she immediately started running towards them through the hedges. Then, he guard party first fired in the air and for the second time at her leg and she succumbed to her injury due to firing at 5:30 hours on Ngariyan Yairipok road. But, the informant Digambur Dutt, (A.R. Witness No. 6) does not know what were written in the FIR lodged by him. He says that Major Rathore told him that it was an FIR and asked him to sign on that paper and then without knowing what severe written in that FIR, he simply signed by putting signature D- 3/1 on the original.

3. Thus, the informant, Digambar Dutt (A.R. Witness No. 6) does not know how victim was shot and whether she ever attempted to escape, he is silent on such vital matters. What he says is only that while proceeding on the Gypsy along the Yairipok road as the source by raising his little figure said that the lady cadre wanted to go for

urination (Peshap), then he reported to the Company Commander Major N. Dagar over his TAC phone, about request of the lady cadre when his vehicle reached hilly terrain on the left side of the road. There, Major N. Dagar gave permission for allowing the lady cadre to urinate by informing him to get the same very quickly done. Thereafter, the Gypsy in which Major N. Dagar was travelling stopped and then their Gypsy was also stopped. That was a place where a hilly terrain on the left side of the road and plain area on the right side of the road with hedges running and beyond that there were open fields. When QRT party got down, he indicated Havildar Suresh (A.R. Witness No.3) by raising his little fingure and told him that the lady cadre was to go for urination and told him to be careful. Thereafter, he told the source to take the lady cadre for urination. But he did not ask the source to untie the hands of the lady cadre. In the meantime, as he was feeling to go for urination, he went towards the bend of the road and while going towards backside, when he made a brief glance, he saw the source escorting the lady cadre towards the open area on the right side across the road. He does not say about the return of the source and untying the hands of the UG cadre, but he says that while he was urinating, he heard Hav. Suresh shouting in a loud voice *"Ruko.Ruko"* which was followed by a small burst of firing. After about 3, 4 seconds, he heard another sound of firing and it appeared to him that many had fired small bursts.

4. In the same manner, Major N.Dagar (AR Witness No. 2), the Commander of the team and Major M.S. Rathore, Commission Witness No. 19 who was the next in command do not know much how Monorama was shot dead. According to Major N.Dagar, before hearing of firing sounds, he only heard shouting raised by Hav. Suresh Kumar and thereafter, while going near the dead body that victim was found lying at the spot.

5. In this case, the Central Evidence as to firing according to Assam Rifles consists of mainly the evidence of Hav. Sureshkumar (A.R. Witness No. 3). What he alleges is that the arrested lady cadre after getting down from the gypsy to ease herself, he noticed that the source had untied her hands and had lifted the shawl covering her face and head. But strangely enough he says that he did not see the face of the lady cadre. And thus, at that time, her face was uncovered or not, and her hands were untied or not, is not free from doubt as no other witness of Assam Rifles including Naib Subedar who had permitted lady cadre to ease and the source to escort did not say anything. Not only Digambar Dutt, other witnesses of Assam Rifles, Rifleman Lotha (AR No. 4), Rifleman Ajit who were with or on the side of the Hav. Sureshkumar are silent on the matters.

6. Hav. Suresh Kumar, further, alleges that after leaving the lady cadre in the nearby field on the right side, the source came back and took his seat in the Gypsy but it is not corroborated by any other witness. But when he looked towards her through sideway glance, he noticed that the lady cadre was sitting in the field and after a little while, when he gave another sideway glance, he noticed that she was running. On seeing it, he shouted towards her saying *"Ruko Ruko"* and then fired a small burst in the air. But till then, as the lady cadre did not stop he made another fire of small burst towards her legs.

7. Rifleman T. Lotha and Rifleman Ajit Singh when examined as Assam Rifles witness No. 4 and 5 also say that of source escorting the UG lady cadre in the field near the hedge line across the road. But they did not say if her hands were untied or if the source had returned leaving the lady cadre Monorama. If the source had returned leaving the lady cadre Monorama as alleged by Hav. Suresh Kumar, there was no reason for not supporting the fact of returning of the source leaving UG cadre Monorama. But these two witnesses say that on hearing *"Ruko Ruko"* raised by Hav. Suresh Kumar, and thereafter, on

hearing the firing sound, when they turned towards the lady cadre they saw running of the lady cadre, they made the firing on her leg.

8. Thus, the allegation of Sureshkumar about untying the hands of the lady cadre cannot be believed because in case, while taking her in the Gypsy along with them, her hands were being tied throughout. In that case, it can be questioned as to how her hands would be untied when she was allowed to go alone or escorted by the source only to ease herself and that also at some reasonable distance away from them. If her hands were tied either on back or on the front, it would be difficult for the victim Monorama to run at the sight of strong armed Assam Rifles troops. That apart, it is an undisputed case that at the material time, she was wearing a Manipuri Phanek, in that case, a woman wearing a Phanek would not be able to run fast, even if the story of untying her hands is accepted.

9. Further in the FIR Ext. C-17 corresponding Ext. D-13, nothing was mentioned about raising alarm *"Ruko Ruko"* is a circumstance which goes against the Assam Rifles. If such shouting was made, there was no reason for not stating in the FIR, which was drawn up and lodged after about 3 hours of the occurrence at 8.30 a.m. The FIR was also drawn up by a Senior Army Officer, namely Major MS Rathore, who is examined as Commission Witness No. 19.

10. The Ld. Additional Government Advocate assisting the Commission rightly submits that the party of the Assam Rifles at the material time consisted of 13 strong armed personnel and the victim Km. Monorama at the time of occurrence was a fully exhausted person as she was physically tortured by the Assam Rifles at the time of arrest and after arrest while she was being taken to different places. In that case, a lady of small stature having the height of 4 ft and 11 inches only would not be able to run or try to escape from the clutches of 13 armed well trained and able bodied

persons. Even assuming that she tried to escape, as alleged, those, 13 able bodied and well trained Assam Rifles personnel could surely be able to apprehend the victim from trying to escape. But not a single personnel of Assam Rifle tried to apprehend the lady cadre by chasing. The argument of Assam Rifles that those jawans were having dress of having much weight, and as such they did not chase does not inspire the confidence of the Commission. If they could go with such a heavy dress freely it would not have been difficult for them to run or by removing their heavy dress, they could be easily able to chase after.

11. Further, in course of sport inspection, in presence of Lawyers of all the parties before the Inquiry Commission, it is found that there was no gap in the row of hedges, running on the southern direction near the place where the dead body was found lying. However, there was a gap in the row of hedges at the distance of about 10 ft or so. But that gap was also blocked by a barricade of neatly tied spikes of bamboos with the help of some wooden posts. It was also noticed that amongst those posts there were some one or two live cut trees. Further, admittedly; beyond the row of hedges, a drain was running on the south and beyond adjacent south of the drain, there were vast paddy fields, which were located in much low lying level, at the depth of about 5 ft. As there was no gap on the row of hedges and then intervening barricade, no one will be able to cross it. Further without the help of ladder or stairs, ordinarily no person could be able to come down from the road side towards the paddy field and would be impossible for a fragile and short stature person like the victim to escape crossing the hedges and climbing down towards the paddy field. In such a situation, the story of trying to escape by running cannot be accepted on face value.

12. About, raising alarm, there is evidence to show that Hav. Suresh Kumar raised alarm "Ruko Ruko", and then immediately he made.

fire twice, one in the air and another on the leg, Rifleman T. Lotha (A.R. Witness No. 4), Rifleman Ajit Singh (A.R. Witness No. 5) and Naib Subedar Digambar also say that they heard the sound *"Ruko.. Ruko"* raised by Hav. Suresh Kumar and then Riflemen T. Lotha and Ajit Singh also made firing aiming on the legs. It is to be noted that except the words *"Ruko, Ruko"* according to Hav. Suresh Kumar, he did not make any shouting sound. Major Dagar has gone further stating what he heard was *"Ruk jawo, Ruk jawo, dekho bhak rahi hain"* and these were the voices of Hav. Suresh Kumar and of Naib Subedar Digambur Dutt. However, Digambar Dutt denies raising of any shouting as alleged by Major N. Dagar. Further, what Suresh Kumar raised only was *"Ruko, Ruko"* and does the sounds of shouting heard by Major Dagar were different. In such situation, the plea of shouting or raising alarm cannot be believed. Moreover, the words "Ruko, Ruko" cannot amount to give warning to shot. The warning so given must be in clear terms to show that she attempts to escape or fail to stop firing should be opened but no such warning was given.

13. Further, the arresting team of the 17th Assam Rifles fails to see that the raising of alarm showing or giving warning must be in the language of the arrestee lady cadre i.e. in Manipuri language. There was at least one Manipuri Meitei amongst the troops in Army uniform in the arresting team of 17 Assam Rifles as contended by three victim's witnesses(V.W 1 to 3), Inspector Gunindro(C.W.No.17), the O.C. of Irilbung Police Station and Deputy S.P. Shri Manimohan(Union of India Witness No.2). Thus, even there was a person who could speak Manipuri Meitelon in the troops of Assam Rifles, who took part in the arrest of Km. Manorama, besides the source who was a Manipuri-Meitei, no one gave warning in local language as required before firing in view of the observation of the Supreme Court.

14. It is also to be noted that not a single injury was found either on legs of the deceased, though the Assam Rifles witnesses namely Hav. Suresh Kumar, Riflemen T. Lotha and Ajit Singh, allege that they fired on the legs of the deceased and as such their version cannot be accepted. Thus, the arresting party of the Assam Rifles failed to follow the direction of the Hon'ble Supreme Court. Even after the victim was fallen on the ground, they did not stop firing. In order to understand whether the Assam Rifles had maintained the direction of the Hon'ble Supreme Court given in this regard, relevant portion of Dos and Don'ts given at para 54 in Naga People's Movement of Human Rights –vs- Union of India, AIR , 1998 Supreme Court 431 are reproduced hereunder.

" 54. The instructions in the list of Dos and Don'ts which must be followed by providing aid to Civil Authority are as under :-

.....

5. In case you decide to open fire :-

a) Give warning in local language that fire will be effective.

b) Attract attention before firing by bugle or other means.

c) .....

d) Control fire by issuing personal orders.

e) .....

f) .....

g) Aim low and shoot for effect.

h) .....

i) Cease firing immediately once the object has been attained.".

Further, in para 53, Don'ts runs as follows:-

"2. Do not use any force after having arrested the person except when he is trying to escape".

15. In short and to repeat once, the version of trying to escape by the victim Manorama by running is found a concocted story which can not be accepted. Further, before opening fire, no attempt was made to apprehend the deceased even assuming the story that she tried to escape is true. Thereafter, before firing, no sufficient warning was given by raising alarm in local language of the victim i.e. in Manipuri even there were at least two Manipuris i.e. the source and the Assam Rifles personnel who uttered in Manipuri in the uniform and short in stature, who was also seen at the place where the dead body of Manorama was found lying as deposed by Shri Gunindro Singh, the O.C. of Irilbung Police Station(CW No.17) and Shri Manimohan(SDPO) (Union of India Witness No.2). The firings were not aimed low i.e. not on the legs below the knee. It may be noted that even there were 16 bullets fired not a single bullet hit on the legs of the victim. Further, even the victim fell on the ground on receipt of first shot, firings were continued and the Officer commanding the team did not try to control and order to cease firing soon after the first shot hit the victim.

16. I am pained to note that the firings were unnecessary, a valuable life had been made to suffer harshly on the hands of the reckless armed Assam Rifles persons. In such a similar case, it would be in the fitness of things to quote a passage from a judgement of the Hon'ble Supreme Court of India in the case'of Guvala China Venkatesu –vs- State of Andhra Pradesh AIR 1981 Supreme Court 1926 at para 5, *"the prominent feature of the murder, indeed the only feature, is its ruthless, unrelenting, determined vindictiveness. Every blow (here firing) seemed to say you shall die - you shall not live"*

CHAPTER – II

i) "*To inquire into the facts and circumstances leading to the death of Km. Th. Monorama Devi on 11.7.2004.*"

Episode – B : OUTSIDE THE HOUSE OF THE VICTIM.

D) INJURIES AND HOW THEY WERE CAUSED ?

1. Admittedly, deceased Monorama was succumbed to bullet injuries. After she was taken under arrest in the night between 10th and 11th July, 2004 from her house, she was found dead in the early morning of 11th July, 2004 having multiple injuries on the land lying on the road side Imphal Yairipok road near Yaipharok Maring Village. Thus, now I will examine first the injuries found on her dead body and then how they were caused.

2. The postmortem examination over the death body of Km. Monorama was conducted twice by two different teams of Medical Officers on different dates. First, on 11th July, 2004 by Dr. H. Nabachandra Singh, Prof. of the Deptt. Of Forensic Medicine (Commission Witness No. 2) and Dr. Memchoubi Ph. (Commission Witness No.1), Sr. Tutor, Department of Forensic Medicine of Regional Institute of Medical Science vide Post Mortem Report Ext. C-1. Then, on the application of the victim's mother, Smt Khumanleima Devi as ordered by the Government, a Medical Board, consisting of 3 Sr. Medical Officers viz. Shri Dr. Ksh. Manglem (C.W. 9), the Medico Legal Specialist of Manipur Government-cum-Chief Medical Officer, Thoubal, Dr. A. Momonchand, Professor and Head of Department of Forensic Medicine of the Regional Institute of Medical Science and Dr. Th. Bijoy Singh, Asst. Professor of the Regional Institute of Medical Science on 24th July, 2004 vide Ext. C-9. As the first Medical Report is in the handwriting of Dr. H. Nabachandra (CW 2) and second in the

hand writing of Dr. Ksh. Manglem Singh (C. W. 9) they were conveniently examined.

3. When the first Post Mortem Examination over the dead body was conducted on 11.7.2004 at about 12.50 p.m., Dr. Nabachandra Singh and his associate Doctor Memchoubi found the following injuries on the dead body of deceased Monorma:-

C) EXTERNAL INJURIES :

1) *Entrance wound of firearm injuries 0.6 cm x 0.6 cm over the left side back of chest at the level of 3rd Thoracic vertebrae, 10 cm from midline with red abraded collar (base super medially). Exit wound 4 cm. x 2cm over the left outer aspect of chest 4 cm. below axilla. Bullet then enters the inner aspect of left arm, 4 cm. below the axilla making entrance wound 4.5 cm. x 3 cm. Exit wound 2.5 cm x 2cm over the outer aspect of left arm 20 cm. below the tip of shoulder. Track involves skin muscle ribs and Left lung.*

2) *Entrance wound of firearm injury, 0.7 cm x 0.7 cm over the right side back of chest at the level of 9 thoracic vertebra 4 cm from midline with red abraded collar(base medially). Exit wound 0.8 cm x 0.9 cm. over the outer aspect of right side chest 6.5 cm. below axilla at the level of nipple. Track involves skin, muscles, liver, diaphragm and ribs.*

3) *Entrance wound of firearm 0.6 x0.6 cm over the back of right side lumber area at the level of 1st lumber vertebra 1.5 cm. from the mid line with red abraded collar all around. Exit wound 3.0 cm. x 2 cm. over the umbilicus, just left to midline. Track involves skin, muscle, intestine and vertebra.*

4) *Entrance wound of Firearm 0.6 x 0.7 cm over the back on left side lumber area at the level of 3rd lumber vertebra, 3 cm. from midline with red abraded collar (base inferolaterlly). Ext would 1.5 cm x 0.8 cm. on the outer aspect of left side chest, 17 cm. from midline, 13 cm. below axilla. Track involves skin, muscle, stomach, pancreas, spleen, liver diaphragm, left lung heart and ribs.*

5) *Entrance wound of firearm injuring 0.7 cm x 0.7 cm. over the right upper part of buttock, 3 cm. from mid line red abraded collar (base superoleterally). Exit would on the external vaginal orifice involving posterior commisure, 1 cm. x 0.5. Tract involves skin muscle, enters the pelvic cavity and uterus and then makes a track between the left postero-leteral walls of vagina and rectum.*

6) *Entrance wound of firearm 0.7cm x 0.9 cm on the front of the abdomen just left to midline 2 cm. below umbilicus with red abraded collar (base superiorly). Exit wound 2.0 x 1 cm on the inner aspect of inferior border of left buttock, 59 cm. above heel. Track involves skin muscle and intestine.*

7) *Entrance wound of firearm 1 cm x 0.6 cm on the left buttock, 9 cm from midline with red abraded collar (base infer medially). Exit wound 3.0 cm x 2.5 cm. over left flank, outer aspect, 19 cm. from midline just above iliac crest, Track involves skin and muscle only.*

8) *Entrance wound of firearm 8cm x 4 cm over the inner aspect of right thigh 46 cm above heel with red abraded collar (base superiorly). Exit wound 1 cm x 0.7 cm. over the inner aspect*

of right thigh, 43 cm. above heel. Track involves skins and muscles only.

9) *Bruise, 9 cm. x 4 cm on the intero lateral aspect of Lt. forearm 6 cm. above wrist red in colour.*

10) *Bruise 3 cm. x 3.5 cm on the outer aspect of Rt. forearm 4 cm. above wrist red in colour.*

11) *Abrasion 1 cm. x 0.5 cm over the inner aspect of Rt. forearm 4 cm. above wrist red in colour.*

12) *Bruise 2 cm x 1 cm on the inner aspect of Rt. leg 24 cm. above heel, red in colour.*

4. When the Medical Board consisting of Dr. Ksh. Manglem Singh, Medicological Specialist, Chief Medical Officer, Dr. Momonchand, Head of Forensic Medicine, RIMS and Th. Bijoy Singh, Asst. Professor, Forensic Medicine, RIMS, conducted the Second Post Mortem Examination as the dead body of the deceased took place in the intervening night between 10th and 11th July, 2004, before sun rise or in the early morning of the day, the dead body was, according to Dr. Ksh. Manglem Singh, already embalmed and stitching at many places had been done for cosmetic purposes, the body was swollen, all parts of the body were found stiff and hardened. The external injuries found were as follows :-

<u>On external examination, the following external injuries were found:-</u>

1) *One stitched wound (hole – 1 cm x .5 cm) with reddish margins on the right side of the face at a level of 3rd inter costal space 18.5 cm from mid line associated with fracture of third rib.*

of right thigh, 43 cm. above heel. Track involves skins and muscles only.

9) *Bruise, 9 cm. x 4 cm on the intero lateral aspect of Lt. forearm 6 cm. above wrist red in colour.*

10) *Bruise 3 cm. x 3.5 cm on the outer aspect of Rt. forearm 4 cm. above wrist red in colour.*

11) *Abrasion 1 cm. x 0.5 cm over the inner aspect of Rt. forearm 4 cm. above wrist red in colour.*

12) *Bruise 2 cm x 1 cm on the inner aspect of Rt. leg 24 cm. above heel, red in colour.*

4. When the Medical Board consisting of Dr. Ksh. Manglem Singh, Medicological Specialist, Chief Medical Officer, Dr. Momonchand, Head of Forensic Medicine, RIMS and Th. Bijoy Singh, Asst. Professor, Forensic Medicine, RIMS, conducted the Second Post Mortem Examination as the dead body of the deceased took place in the intervening night between 10th and 11th July, 2004, before sun rise or in the early morning of the day, the dead body was, according to Dr. Ksh. Manglem Singh, already embalmed and stitching at many places had been done for cosmetic purposes, the body was swollen, all parts of the body were found stiff and hardened. The external injuries found were as follows :-

<u>On external examination, the following external injuries were found:-</u>

1) *One stitched wound (hole – 1 cm x .5 cm) with reddish margins on the right side of the face at a level of 3rd inter costal space 18.5 cm from mid line associated with fracture of third rib.*

2) *One stitched wound (hole – 3 cm x .5 cm) on the left side of the chest at the level of 5th rib 18 cms from the mid line with reddish margins.*

3) *One stitched wound (hole – 4.2 cm x 1 cm) o the inner side of left arm 17 cms below tip of left shoulder with reddish margins.*

4) *One stitched wound (hole – 3 cms x 1.5 cms) with reddish margins on the outer aspect of left arm, 21 cms. below the tip of left shoulder.*

Injury No. 3 and 4 are in continuity.

5) *One stitched wound (hole – 1 cm x 0.5 cm) on the left side of the chest at the level of the 6th rib 19 cms. From the midline associated with fracture of the 6th rib.*

6) *One stitched wound (hole – 3.5 cm. x 0.5 cm) on the left and lower part of abdomen 3 cms above the prominence of hip Iliac (chest) 19.5 cms. from midline with reddish margins.*

7) *One stitched wound (hole 1.3 cm x 0.5 cm) on the inner side of right thigh 42 cms. above heel with reddish margins. The wound is connected with another stitched wound (11 cms x 1 cm) on the inner side of right thigh, 1.5 cms above the wound as described. The injury involves skin and muscles with irregular reddish margins.*

8) *One stitched wound (hole – 0.8 cm x 0.5 cm) on the left of the back side of the body at the level of 3rd thoracic vertebra, 11 cms from midline with reddish margins.*

9) *One stitched wound (hole – 0.9 cm x 0.5 cm) with reddish margins on the right side of the back side of the body at the level of 7th thoracic vertebra, 1 cm from midline.*

10) *One stitched wound (hole – 1 cm x 0.5 cm) with reddish margins on the left of back side of body, 1.5 cm from midline at the level of 11th thoracic vertebra.*

11) *One stitched wound (hole – 0.6 cm x 0.5 cm) with reddish margins on the right of the back side of the body at the level of 1st sacral vertebrae. 1.5 cm from midline.*

12) *One stitched wound(hole – 0.8cm x 0.7cm) on the left of back side of the body at the level of 3rd lumber vertebra, 1.5 cm from midline with reddish margins.*

13) *One stitched wound (hole – 1 cm x 0.5 cm) with reddish margins on the left buttock 64 cms. above heel 8.5 cm from the midline.*

14) *One stitched wound (hole – 1.5 cm x 0.8 cm) with reddish margins in the lower most part of the left buttock near glutal folds, just lateral to midline, 51 cms. above heels.*

15) *One wound (hole – 0.6 cm x 0.5 cm) with reddish margins in the abdomens just below the umbilicus, 0.5 cm left of midline.*

16) *Lacerated margins of umbilicus with reddish colour, continuous with the midline post mortem incision.*

17) *One Stitched wound (1.5 cm x 0.5 cm) with reddish areas, vertically placed on the back side of the left forearm, 6 cms. above the left wrist joint.*

18) *One stitched wound (1.5 cm x 0.5 cm) with reddish margins vertical in direction on the back and outer side of the right forearm, 11 cms. above right wrist joint.*

19) *One post mortem incised wound (3.5 cm x 0.5 cm x muscle deed) with pale margins on the inner side of right leg 12 cms above right heel.*

5. As said above, at the time of Second Postmortem Examination when the Medical Board examined the dead body on 24th July, 2004, according to Dr. Ksh. Manglem (Commission Witness No. 9), the dead body was found swollen and all the parts of the dead body were stiff and hardened, blisters and deglazing of the skin of hands and feet were present. And thus, as to the number of external injuries, conveniently, I am to rely on the first post mortem report prepared by Dr. H. Nabachandra Singh, Ext. C-1.

6. First of all, before scrutinizing the injuries received by the victim, it must be noted that the case of Assam Rifles in this inquiry and statements of their witness No. 3, Havildar Suresh Kumar, Witness No. 4 Rifleman T. Lotha, Witness No. 5 Rifleman Ajit Singh that they fired on legs are found false. Not a single injury was found on either of the legs of the victim Manorama. Next, it is to be noted that the case of Assam Rifles that all the firings were made from back side of Victim only when she was trying to escape is also found false. The injury No. 6 and 8 were bullet injuries received on the front side of the body.

8. But on some matters, it may be noted that Dr. H. Nabachandra Singh who conducted the first postmortem examination of deceased Monorama being a Sr. Consultant is not encouraging, instead of enlightening being an expert in the field in respect of some injuries, he kept in obscure positions without giving any opinion.

9. It will be in the fitness of things to mention that in the relevant column of Postmortem Examination Form, Observations : Natural Orifices - Column No. 5(g)(iii), Natural orifice : Dr. Nabachandra had observed only "Mouth partly open : Bleeding from the vaginal orifice". At the most important for this case in relevant portion, INTERNAL EXAMINATION, Column No. 4 Abdomen parts at sub para (n) Genital organs : he wrote only *"See injuries"*, and while giving evidence, he states that he cannot comment whether sexual intercourse had been taken place on the victim before her death. Further, he goes to state in the negative form that he collected and preserved vaginal swab to rule out any sexual intercourse. Such statements will show that this Medical Officer had been pessimist idea since before. While taking the postmortem examination, about such matter, "A medical witness is called in as an expert to assist Court" as held by the Hon'ble Supreme Court in Madan Gopal Kalkad –vs- Naval Dubey and another, 1992(3) SSC 204. He being an expert witness is expected to put before the Court all material inclusive of the data which induced him to come to the conclusion and enlighten the Court on the technical aspect of the Case by explaining the terms of science so that the Court although, not an expert, may form its own judgment on those materials after giving due regard to expert's opinion because once expert's opinion is accepted, it is not opinion of the medical officer but of the Court".

10. Before proceeding to the other portions of the postmortem examination, I want to take to the Second Postmortem Examination and compare what was written and opined by Dr. H. Nabachandra

(C.W. 2) with the report of the Medical Board consisting of Dr. Ksh. Manglem Singh (C.W 9) and two other medical officers in respect of Natural orifice at para 5(g)(ii), he observed that, "vaginal orifice is opened with marks injury" and on the internal examinations on Abdomen portion at para 4 relating to genital organs at (n), he observed that "laceration of uterus, left side of vaginal wall and laceration of hymen at 5-6 O'clock positions present, Laceration being extended upto posterior commisure. Remaining part of hymen is fimbriated and intact." That is according to him, anatomical structure of hymen was not distorted except the lacerated part of left side of the vaginal wall and other parts of vaginal were intact.

11. According to Dr. H. Nabachandra, the Medical Officer who held the first Postmortem Examination, the firings were made beyond 2 to 3 ft. External injury No. 1 to 6 are all fatal and they individually or collectively is sufficient to cause death of the victim. But he cannot say at the time of hitting of bullet what will be the position of the victim, and whether the victim would be either kneeling, standing or lying down on the ground. However, as to from what distance, he states that at the time of firing, deceased could be more than 2 to 3 ft. from the assailant. If this is the position though he used the term distance, the firing, might be made from the close distance which will be within 2 to 3 feet.

12. But according to Dr. Ksh. Manglem Singh, the injuries which he found were in a row and straight draw (row) from one side of the chest to another side of the chest, and again from one side of the arm to the opposite side of the arm, in case the assailant was standing by the side of the victim, may be on the left side or right side. As regards to other injuries on getting the first gun shot after sustaining the injuries, the victim might have fallen down on the ground with its face, facing the ground and after that she might have got some more gun shots injuries. It relates to the injuries which were found on back

side of the body and after inflicting such injuries, the dead body might have turned, her face towards the sky and by that time victim might have been hit with some more gun shot injuries with face in the upwards position.

13. Further, according to Dr. Manglem Singh the external injury No. 5 on vaginal area, of the First Mortem Report which corresponds with injury No. 11 in the Second Postmortem Report, bullets might have entered from the back side of the body with her face facing ground and its assailant at the time of firing the bullet in an oblique direction standing near the dead body and firing the bullets in an oblique position. Because in the standing position, it is not likely that victim got the bullet injury in such a deviated direction. Thus, firing while the victim was running is ruled out.

14. Further, Dr. Manglem goes to state that the assailant at the time of firing by the side of the victim with the tip of rifle directing from above downwards and towards the lower parts. If this is the position, the story given by the Assam Rifles witnesses that the deceased while running was shot, is totally false and cannot be accepted.

15. As stated by Dr. Ksh. Manglem Singh, on getting the first shot, the deceased will fall down on the ground with her face on the ground and that after falling down on the ground, successive bullet injuries might have hit her. This shows the firing was made in excess even after the victim was lying on the ground. Not only this, the victim was in static position not moving further. If the victim was moving or running, bullet injuries would have been in different directions and not in a row. In his opinion, the directions of firing were from side to side and back to forward direction and front to backward position.

16. In this case, in order to ascertain the opinion of one Ballistic expert who is to place his scientific opinion, the Commission examines

the Ballistic expert Dr. S. Joychandra Singh as Commission Witness No.24.

17. In this Inquiry, the Ballistic Expert Dr. S. Joychandra (Commission Witness No. 24), after hearing the Ld. Counsel appearing for the parties was permitted to inspect the place.

18. However, later on in course of argument Col. Triveni Prasad, Ld. Counsel appearing for the 17th Assam Rifles, while addressing the Commission expresses his displeasure to the Ballistic Expert for visiting the spot behind their back. It may be recalled that when the Ballistic expert Dr. Joychandra Singh filed an application on 20.10.2004 for allowing to inspect the spot, after giving notice to all the Counsels, appearing before the Commission, it was considered on 22.10.2004. Though at first Col. Triveni Prasad, Advocate appearing for 17th Assam Rifles submitted that it was not necessary to make spot inspection but at last he and all other Ld. Counsel appearing for the other sides before the Commission expressed that the Ballistic Expert could carry out inspection on his own way. Then, as I do not find anything wrong to allow the inspection in order to give the correct opinion so that his opinion will enlighten the Commission in unfolding the knotty problems.

19. Here, conveniently, I reproduce a passage from Sarkar's Law of Evidence in Section 45 of the Act. It runs as follows: "In addition to the scientific evidence adduced by the parties, the Court, for its own guidance and information, may(in cases other than criminal proceedings by the Crown) and even without the consent of the parties(AG –vs-Birmingham & Co.Board, 1912, AC 788), order independent inquiries and reports to be made, or experiments to be tried either in or out of Court(Marconi – vs- British C., Times, December 15,1910) by expert of its own selection and may act on such reports relied (Judicature Act, 1925,SS.86,87,See Colls. V.

Home Stores, 1904 A.C.179,192 and cases in Philip.8th Edition.p.379). The opinion obtained should be properly proved and the party effected should be given an opportunity of cross examining him.

20. Then, I permitted the Ballistic expert to make spot inspection on 23/10/2004 at 7:30 a.m. and with a view that without showing the spot, no inspection can usefully be made and therefore holding it should be shown by a person who knows it. Accordingly , I directed the O. C., Irilbung Police Station to show the place where the dead body was found. At the time of inspection, the parties or their representatives can witness the spot visit of the Ballistic expert. But, in this case when the Ballistic expert Dr.Joychandra inspected the spot, no on one was present. I have given fair opportunity to cross examine the Ballistic expert Dr.S. Joychandra(CW No.24) and no prejudice was occasioned on any of the parties.

21. According to Dr. S.Joychandra Singh (CW 24), the Ballistic Expert, injury No.1 might be fired from right back side while the victim was in prone position. This excludes the standing, bending, running and partially falling forward by the shooter who was standing on the same ground level by firing from waist position. Thus, for this Injury No.1, the story of the Assam Rifles that of hitting while the victim was running or standing cannot be accepted.

22. As regards to injury No.5, according to the Ballistic Expert, the firing could be made while the victim was in prone position. It will exclude firing from right back side while standing, bending, running and falling forward by the shooter who standing on the same ground level by firing from waist position from the distance of 1.5 ft. approximately.

23. As to the injury No.6, Dr. Joychandra opines the possible position o firing will be while the victim was lying on the back and that exclude positions of firing from back side while the victim was standing bending forward and running.

24. As to the injury No.7, also firing from back while the victim was kneeling, partially falling forward or in prone position by a shooter who is standing on the same ground level.

25. As to the Injury No.8, it might be fired from while the victim was bending, forward, a shooter who is standing on the same ground level from waist position. It also includes while the victim was lying on the back. But it excludes firing from the back side while the victim was running or standing.

26. Thus, according to the Ballistic Expert, the injury No.1,5,6,7,8 cannot be made while the victim was running. However, in the case of injury No.2,3 and 4, running position is one of the possibilities with other positions namely either standing, bending, prone position.

27. Thus, in this inquiry, the contention of the Assam Rifles that victim Manorama was shot at her legs while she was running in order to escape from the custody of the 17 Assam Rifles is a naked lie. Not a single injury was found on the legs. On the other hand, most of the injuries will reveal that they were shot with an intention while the victim was in prone, while lying, bending positions with an intention to kill and even after she was in helpless condition. This apart, the opinion of Dr. Ksh. Manglem that some of the injuries might be caused after Post Mortem is very meaningful and requires to be investigated thoroughly.

28. As to how the injuries other than firearm injuries mentioned above viz. Bruise on left and right forearm abrasion on Right forearm and

Bruise on the inner aspect of thigh, are not explained. As the submission of the ld. Counsel for the Assam Rifles that Bruise and Abrasion on the forearm could be caused as a result of tying the hands of deceased Monorama cannot be accepted as tying hands has to be made on the wrist, as for the bruise on the inner thigh, it might be caused in course of criminal assault or sexual abuse. As the aforesaid injuries were caused during period when victim was in their custody, the Assam Rifles are to explain this beyond reasonable doubt. Thus, there may be question as to injuries were caused while sexual assault was committed.

CHAPTER – II

i) *"To inquire into the facts and circumstances leading to the death of Kn. Th. Monorama Devi on 11.7.2004."*

Episode – B : OUTSIDE THE HOUSE OF THE VICTIM.

E) THE SITE OF SHOOTING

1. This is one of the most controversial matters in this Inquiry. Still I am in doubt as to the correctness of spot where victim Manorama was shot dead, even her bullet ridden body was found lying in the early morning of 11th July, 2004 on a site lying on the roadside of Yairipok road near Yaipharok Maring village. The topography of the site where the dead body was found lying is a place situated at a distance of 17 ft. on the southern side from the edge of the Imphal Yairipok road and beyond that point, on further south at a distance of about 7 ft. there is a row of hedges having more or less uniformly high of about 8 ft.

2. When the Officer in Charge of Irilbung Police Station Shri Gunindro Singh inspected the place at about 7.15 a.m., he did not find any blood stain at and near the place where the dead body was lying. However, when the Ld. Counsel appearing for the Assam Rifles put a question to Shri Gunindro Singh, O.C. as to whether he had stated before the Army Court of Inquiry that there was a small pool of blood, without producing the recorded statement, the witness had admitted about giving the said statement in that Inquiry and in that situation as it was necessary to ascertain which of the statement was correct, the witness Shri Gunindro clearly stated that what he had stated was that *"there were some blood oozing from the injured part of the dead body. However, there was no pool of blood"*. In that case, what was confirmed and said to have been recorded cannot be taken as his previous and correct statement and therefore, it was not sufficient to

discredit the testimony of the witness before the Commission. Further, when Shri M. Munindro Singh, the Sub-Divisional Officer/Magistrate held inquest at about 9.50 a.m. on the same day, he did not notice presence of blood on the ground. But all the wearing apparels of the dead body were stained with blood. After the dead body was turned, the blood stains were found below the left breast and another one on the vaginal parts.

3. In this regard, two medical officers, viz. Dr. Nabachandra(C.W.No.2) and Dr. Ksh. Manglem Singh (CWNo.9) have clearly stated that there must be huge blood oozing out from the body of the deceased on receipt of bullet injuries appearing. According to Dr.Nabachandra(CW No.2), considering the nature of injuries received by the deceased, about 500 ml to 1 litre of blood ought to have been found on the spot near the body. The heart of the deceased was perforated and thus, when the heart is perforated the bleeding will be stopped faster as the heart stops pumping. Dr. Ksh. Manglem who conducted the second post mortem examination states in view of injuries received by the victim, 1 to 2 litres of blood might have oozed out in the present case and the blood can remain for a long time and for a number of days depending on the environment condition of place. As for the case, if it is not washed out in the present situation, the blood may remain for 3 to 4 weeks.

4. Necessary evidence given by Shri M. Munindro Singh(CW NO.4), the SDO/SDM and Shri Gunindro(CW NO.19), the Officer in charge of Irilbung Police Station will clearly show that when they visited the spot for inquest and inspection of the dead body, no sufficient blood was seen at the spot though they could see oozing out a few blood from the injured parts of the body is sufficient to note that when the SDO and O.C. , Irilbung Police Station inspected the spot there were about 30(thirty) personnel of Assam Rifles, and even the witness examined on behalf of the Assam Rifles were include among those present at the spot, not a single witness examined on behalf of the Assam Rifles give evidence about falling of blood on the

ground where and near the dead body was found lying. There is a serious circumstance.

5. In view of the decision of the Supreme Court given in Laxmi Singh-vs-State of Bihar, AIR 1972 Supreme Court 2263, blood stain found at the place of occurrence is a good evidence for fixing situs of occurrence, thus the Investigating Officers generally collected blood stain earth, but in this case as no blood stain on earth was found or blood fallen, was not enough for collection, the Investigating Officer did not collect it. This is not a case of bleeding internally as those bullet injuries were as many as eight in number, it cannot be bleeding internally. Thus, there is a question why sufficient amount of blood was not found if the deceased was shot dead at the spot where she was found lying having as many as eight bullet injuries on the vital parts of the body.

6. Besides this, when Shri Gunindro, the O.C. of Irilbung Police Station and Shri M. Munindro Singh, SDO/SDM also say that they could not find any empty cartridges at the spot and surrounding areas in course of their inspection. According to Dr. S. Joychandra, the Ballistic Expert, the fired out empty cartridges must be lying at or near about the place from the position of the firer within the distance of 11 to 33 ft. on the right side, normally between 45 to 90 degree from the line of firing. The variation of 22 ft. distance depends on the height of firing, difference in the pressure developed, cleanliness of the chamber of the barrel of the fireman used. As the victim, according to the witness of the Assam Rifles, at the time of shooting was on the right side of the shooter and in that case the fired out empty cartridge must be from the place of shooter towards the victim but no cartridge was found within that surrounding area.

7. The Ld.Counsel appearing for the Assam Rifles while cross-examining Shri M.Munindro, the SDO/SDM and Shri Gunindro, showing photograph, in which the two witness appear, marked *"DX"*, for want of proof and for not exhibiting its corresponding negative. It may be noted that Shri

Munindro Singh has admitted marked *"DX-I"* was the spot where few drops of blood were seen. But the negative is not produced for proof. Moreover, red portion marked *"DX-I"* appeared to be part of petticoat. In such confused position without examining the photographer and producing the negative, it would be wrong to give reliance on it and thus said admission is of no consequence. It may be noted as the place where the dead body was found lying was a grass growing earth, blood if any oozed out must be lying on the surface of the earth by not spreading like a cloth over the grass, as seen in the picture marked *"DX-I"*.

8. Further, there is another evidence given by Shri E.Brojen(CW No.5) who is quite disinterested and independent witness. On hearing the news of taking away of Manorama under arrest by Assam Rifles and that of lying of a dead body on the side of Yairipok road, which he learnt later on that of Km.Manorama, he went to see the dead body. When he approached near the place where the dead body was found lying, as he and some other people were not allowed by the Security personnel to proceed further, he remained at some distance. After some time, as called by the Police people to identify the dead body and the Inquest, he went to witness at the place where the dead body was found lying, and witnessed the inquest. By that time, he did not see any blood near the place of the dead body. Nor did he see any empty cartridges near about the area.

9. Over and above this situation, there is the evidence given by Smt. P. Bilashini (C.W.No. 10) that while she was weeding out the grass in her paddy field lying at the distance of about 100/150 feet on the southern side of the road near Yaipharok Maring village, at about 4.00a.m., she saw coming of two Army Gypsies and another two Tata vehicles from Irilbung side and out of them the 2nd Gypsy parked on the left side of the road i.e. towards the side of the road, opposite to the paddy field where she was working and out of the two Tata vehicles, one parked after going about 100 ft. while another parked after going about 300ft or so towards Yairipok from the place where she later on saw the dead body. After parking the said two army

vehicles, the army personnel coming in those vehicles cordoned off the area and no one was allowed to come and pass on the road. By that time, she did not see any vehicle coming or going on the road lying opposite to her paddy field. Then, three persons in army uniforms took down a body which appeared to be a female ,from wearing Phanek but the person appeared to be a lifeless one and no movement was seen. They took the body of that person towards the hillock and after about one or two minutes or so, she heard one gun shot sound. Thereafter, at the interval of one or two minutes, she heard another five or six sounds of firing from the side she heard the first gunshot sound.

10. It is true that when she was being cross-examined by the Ld.Counsel appearing for the Assam Rifles, she gave some inconsistent statement about coming of Police personnel at the spot and something about the amount spent as wage to the hired labourers. But, that is not sufficient enough to discard the evidence. On material particulars about taking down from the Army Vehicle, a body of woman, which appeared to be lifeless female who was unable to stand and taking that body towards the hillock of Yaipharok Maring village lying on the adjacent northern side of the road which lies parallel to her paddy field, and soon thereafter, hearing of firing sounds of 5/6 times at intervals remained unshakened. Further, her evidence seeing the dead body, which later on she heard that of victim Manorama remained undisturbed. There is nothing unusual or unnatural in not reporting what she saw to the Police. This will add to her simplicity and naturalness. The reasons given about not mutating as yet the land said to have been purchased by her husband due to absence of her husband is not sufficient to discard the evidence. Judicial notice can be taken that it is a common feature On the other hand, there is nothing wrong in her evidence. The argument of ld. Counsel for the Assam Rifles that it is not possible to believe that her husband and brother-in-law who are Masson by Profession would not be able to purchase such paddy land at huge cost of Rs. 1 lakh cannot be accepted. He fails to see that it might be saving of family in years together and/ or with amount inherited from their ancestors. While appreciating the evidence,

more particularly of illiterate rustic village woman, we are to disengage the truth from falsehood and to sift grain from the chaff. We are to examine the evidence in broader perspective and not to be swayed by minor contradictions.

11. Then, the evidence given by Thangja Khamba Maring(CW No.3) about hearing 6/7 rounds of firing and the interval of 2/3 minutes and at that time seeing of army personnel loitering on Yairipok road from the hillock where his school and house are situated is quite consistent with that of evidence given by Smt. Bilashini. He does not say that shot was made on the road, or below or above the hillock.

12. Before parting with this Chapter, it is worth to mention here that what Dr. Ksh. Manglem (C.W. 9), a member of Medical Board who conducted the second Postmortem Examination that though he first stated the injuries were ante-mortem, but had deposed later that "It is quite possible that even after death of following previous gun shot, injuries, postmortem injures might be present. It is quite possible as death was instantaneous on receipt of fired shot causing injuries No. 1 to 6 as they were individually or collectively sufficient to cause death. In that chance of shooting on the person of the victim after her death is also possible.

13. In such a situation, it is difficult to accept the correctness of the plea of the Assam Rifles that victim was shot while trying to escape at the spot where she was fallen, and thus it is difficult to locate the place of shooting. Moreover, they failed to establish the running of the victim in order to escape beyond any reasonable doubt. In this situation, the presence of bullet riddled body at a place is not sufficient enough to conclude that the place of shooting will be at or near the place where the dead body was found.

CHAPTER - III

TERMS OF REFERENCE NO. 3:

The terms of Reference No.3 which is numbered as 7(c) in the order constituting the Commission which runs as follows :-

" To find out any matters incidental thereto;"

1. There is no specific terms as to whether deceased Monorama was outraged her modesty/sexually abused including rape on her before she was brutally killed. But if I do not give any finding on the sensitive matters, I will be guilty of over-looking the material issue. Here also, there are two episodes, namely one which took place at her house before she was taken under arrest and another outside her house after she was brought under arrest, while she was in the clutches of the arresting team of the 17 Assam Rifles.

2. First before taking up, if rape was committed on the victim Manorama after she was arrested, it will be proper to examine if her modesty had been outraged while she was in her house by the arresting team of 17th Assam Rifles.

3. In the Reference No.1, I have thoroughly examined the torture metted out on Manorama in course of interrogation at her house by the Assam Rifles personnel. Here, the evidence given by the members of the victim's family and more particularly by Shri Basu, the younger brother of the deceased Manorama is more relevant. Conveniently for sake of clarity, I will repeat here the evidence adduced by the members of the victim's family.

4. All members of the victim's family namely, Basu(VW2), his brother Dolendro(VW3) and their mother Khuman Leima(VW1) say that

after entering of 7/8 Army personnel in uniform and 2 in civil dress by breaking the front door, one army personnel among them, having tall stature in civil dress, after gagging the mouth by hand, took away by lifting deceased Monorama forcibly at the courtyard of the house, However, as ordered by one person who was wearing a raincoat, Manorama was brought up to the verandah of the house and kept on the northern side, just in front of her room. Thereafter, after she was slapped on her face, asked where about of the guns. In the meantime, one person in uniform after entering into the room took out a Phadi from the house and a Khudie from the hanger and another person after entering into the kitchen lying behind the room of Basu took out an aluminum vessel and kitchen knife which was kept under the gas stove. Then, after some time when Dolendro, slightly opened the front door, he saw one personnel of the Assam Rifles pouring water on the face of Manorama who was sitting on a bench. And by that time as ordered by an army personnel, Bashu had switched off the verandah light. The members of the family heard muffled and deemed voice of Manorama while interrogating her.

5. In the meantime, when Bashu had looked by slightly opening the window of the room of his sister Manorama, he saw one uniform personnel of the arresting team kneeling on the left side of his sister Manorama and inserting the kitchen knife with his right hand under her underwear. At that time her wearing Phanek was put down from her waist towards her knees and her thighs were exposed and the T.Shirt which she was wearing was pulled up and buttons of which were seen unfastened and unbuttoned, and thus, if the evidence of Bashu, the younger brother of the deceased Manorama has to be relied on, her private parts might have been exposed. It may be noted that no effective cross examination to challenge the version of the victim's witnesses on that aspect, more particularly victim's witness No.2, the deceased mother Khumanleima(VW1).

6. The mother of the victim. Khumanleima(VW1) corroborates the allegation of Bashu, saying that when deceased Manorama was brought in the house by the arresting team, she was clutching her wearing Phanek with her left hand and her shirts was seen unbuttoned and both the shirts and Phanek were soiled and wet. Thus, in the name of interrogation, the modesty of an unmarried girl was severely outraged. In this regard, as to whether the Assam Rifles personnel have the power to make interrogation of an arrested person or a person to be arrested is much doubtful in view of the decision of the Hon'ble Supreme Court given in Naga People's Movement, Human Rights –vs- Union of India, AIR 1998 Supreme Court 431 at para 53 sub-heading in Don'ts while dealing with a Civil Court :-

"4. After arrest of a person by a member of the Armed forces, he shall not be interrogated by the members of the Armed forces."

7. In this regard, Col. Triveni Prasad, Ld. Counsel appearing for the Assam Rifles submits strenuously that in case the said acts amounting to outraging of modesty and molesting of his own sister who was an unmarried lady were seen by the victim's younger brother Bashu(VW2), how he (Bashu) who was a healthy male would remain as a silent spectator. Therefore, the statement of Bashu about outraging modesty of his own sister cannot be believed. In making this submission, the Ld. Counsel appearing for the Assam Rifles fails to see that in the family of the victim, there were only two male members namely, Bashu and Dolendro and his old aged mother and they were even assaulted by the Assam Rifles team for preventing the Assam Rifles from taking Manorama and were threatened in various ways. Moreover, those Assam Rifles personnel had outnumbered largely those family members. The persons who entered into the house of Manorama were all strong able bodied armed personnel. They, according to the Assam Rifles were holding one AK Rifles each. In such a situation,

in the house of Manorama at the material time, there was a panic situation prevailing, like reign of terror. In such a situation, members of the family including Bashu were feeling great fear and thus, he and other members of the family would not be able to resist and express their feelings against the said acts of the personnel of the Assam Rifles.

8. The said acts of indecent assault by the arresting team of the Assam Rifles who entered into the house and remained outside the house would amount to outraging modesty. Those personnel of the Assam Rifles must be knowing that the aforesaid acts committed by them would outrage the modesty of the unmarried girl. That is the very reason in the Sub-Section(2) of Section 51 and Sub-Section(3) of Section 100 Criminal Procedure Code, the presence of another female either police or otherwise is necessary.

9. About, taking up as to whether rape was committed on the person of Manorama after she was arrested before her death, there is no other ocular version of it. Really, there will be no person who had known or seen it, except deceased Manorama and the person or persons in the team of 17 Assam Rifles who committed the crime of rape and seen it. In case such crime was committed on the deceased Manorama, they must be the person or persons of 17th Assam Rifles who joined in taking of deceased Manorama after she was arrested from her house. But the victim is not more alive and moreover, the person or persons who committed the crime did not come forward to make a clean breast of the crime and the person or the persons who joined in the arrest and taking away of Manorama keep silent and do not give any evidence if she was sexually harassed by committing forcible rape on her.

10. The Post Mortem report did not say if any rape was committed on the victim. Dr.H.Nabachandra(CW2), the Medical Officer who conducted

the Post Mortem examination in his Post Mortem Report(EX-C/1) without giving any opinion, he kept it in obscure position. In the relevant column of the Post Mortem Report, in general outward. Observations at column No.5 at (9)(III) on Natural Orfices - he wrote *"mouth partly open. Bleeding from the vaginal orifice"*. He fails to see that the bleeding was natural or not, if bleeding it may be due to menstruation. Then on internal examination of Abdomen at Column No.4(n) on genital organs, without expressing any opinion, he writes only "see injuries" and while giving evidence, he deposes that he cannot comment whether sexual intercourse had taken place on her sometime before her death. But he says in negative form that he collected and preserved vaginal swab to rule out any sexual intercourse. Thus, it takes us to the relevant external being No.5 injury described in the Post Mortem report (Ex.C-1). It is in the following terms:-

"5) Entrance wound of firearm 0.7 x 0.7 cm over the Rt. Upper part of buttock, 3 cm. from midline red abraded collar(base superolaterally). Exit wound on the external vaginal orifice involving posterior commisure, 1 cm.x 0.5 cm. Track involved, skin muscle, enters the pelvic cavity and uterus and then makes a track between the Lt. posterolateral wall of vaginal and rectum."

11. At the time of giving evidence, Dr. H. Nabachandra states that in course of examination of genital organs of the victim, uterus, vaginal canal posterior, commisure and surrounding areas were all injured. He has also stated that hymen of the deceased was found ruptured.

12. But Dr. Ksh. Manglem Singh and the other members of the Medical Board took much care and in the second post mortem examination, in the relevant column, they observed in para 5(g) (iii) in respect of Natural Orifices, and observed *"vaginal orfice is opened with marks of injury"* and thus it rules out blood due to menstruation. Thereafter,

on internal examination, opening the Abdomen portion, at relevant column, Genital organ at column 4(n), he says that there was laceration of uterus, left side of vaginal wall and laceration of hymen 5 to 6 o'clock positions were present. The laceration was found to be extended upto posterior commisure and remaining parts of hymen is fimbriated and intact. According to anatomical structure of the hymen, it was distorted. However, Dr. Manglem Singh also goes to state that on Post Mortem examination of the victim, he cannot conclusively opine that sexual intercourse had been committed or not because of the injuries in and around the vagina. According to Dr. Ksh. Manglem, laceration of vaginal portion as found by him may be caused by sexual intercourse and considering the materials collected by him, he stated that on the basis of injuries, the possibility of committing sexual intercourse on the victim before her death does not rule out.

13. Vaginal swab is generally regarded as one of the surer test to establish that the woman for whom swab had been collected had sexual intercourse within sometime before the collection. In that instant case, both the Medical officers and members of the Medical Board had collected vaginal swabs. Here, it may be noted that the vaginal swabs collected by the members of the Medical Board must be after about 13 days of the death of victim Manorama, and in such position it will, or may not serve any useful purpose and as nothing could be detected in the vaginal swab so collected due to the lapse of the time. In case of Dr. H. Nabachandra and his associate doctor, according to their evidence the vaginal swab was collected in course of the post mortem examination held on 11th July, 2004. But the vaginal swab so collected was handed over only on 22nd July, 2004 on the ground that as the vaginal swab was to be dried at the room temperature and in doing so it took some more time to dry. Moreover, due to the prevailing situation of Manipur, that is due to imposition of the curfew and bandhs, the vaginal swab was handed over to the O.C., Irilbung P.S. who had seized the same at about 10.30 a.m. on 22-7-2004 i. e. after 11 days

of collection. Here, there is doubt as to why it took so many days in drying up the swab in room temperature as generally, and in most cases it was handed over to the Investigating Agencies without delay, say on the same day or on the following day of collection. Even there were bandhs and curfews, I think the Medical Officers and Police were exempted. It may be noted that the wearing garments, blood etc. collected from the dead body of the victim Manorama were handed over on 11th July, 2004 i.e. on the day of collection. Thus, it may be questioned why vaginal swab was retained for more than 11 days on the pretext of drying up and law and order situation.

14. The Medical Officers must be very careful to collect and hand over the swab so collected as soon as possible in view of the observation of the Hon'ble Supreme Court of India in State of Maharastra –vs- Chandraprash Kwelachand Jain, 1990(1) SCC 550, that spermatozoa can be found if the woman is examined within 12 hours after intercourse, thereafter, they may be found between 48 and 72 hours but in dead form. In this case, the dead body of the victim Manorama was lying at least till 24-7-2004 in morgue of Regional Institute of Medical Science(RIMS) where Dr. H.Nabachandra and his associate Doctor Memchoubi were working. Thus, it may arise some suspicion in the minds of some quarters.

15. In this case, when vaginal swab so collected on the two occasions i.e. by Dr. H. Nabachandra and his party and another by Dr. Ksh. Manglem and other members of the Medical Board were referred for Chemical Examination for ascertaining whether human semen and spermatozoa were found therein along with other seized items namely Phanek marked "F", Petticoat marked "PC", two slacks marked "S/1" and S/2", undergarments-Panty marked "W", brassier marked "X", sample of blood marked "A" for ascertaining whether there were presence of blood and semen in the stains appeared on the said items, and sample of blood marked "A" for ascertaining the group to Additional Director,

Forensic Science Laboratory, Govt.of Manipur, Pangei by the Officer in Charge of Irilbung Police Station. But, due to lack of some facilities in his laboratory, the Additional Director, Forensic Science Laboratory, has referred the said referred Exhibits/objects to the Central Forensic Science Laboratory, Kolkata, Govt. of India.

16. On examination of the referred objects, Senior Scientific Assistant of the Central Forensic Science Laboratory, Kolkata under his letter marked vide Ext.C-48, had reported that though in the Laboratory testing of the vaginal swabs – marked "C" though it was found positive for blood test it was negative for the semen test and all referred objects except in the Petticoat marked "PC" though they were found positive for blood test, negative for semen test. However, in respect of the petticoat marked "PC", the Senior Scientific Assistant of Forensic Science Laboratory, Kolkata had submitted report stating that it was positive for blood test as well as human semen test. The sample of blood was found positive for human blood-group "O". Further, the stains appearing on the referred objects are found human blood except on Petticoat "PC" and Slacks – S2, they were of Group "O" but for Petticoat "PC" semen mixed with blood for slecks-2, group test are inclusive.

17. But Col. Triveni Prasad, the Ld. Counsel appearing for the Assam Rifles strenuously argued that in the Inquest Report marked Ext.C-6, Shri Munindro, SDO/SDM(CW4) and in the Seizure Memo, Ext.C-3 prepared by Shri Gunindro Singh, O.C.Iirlbung P.S.(CW17) for seizure of wearing garments and the sample of blood, on C-3, on production by Dr. H. Nabachandra (CW2), the colour of the Petticoat was described as "red" in colour, stained with blood and mud with multiple holes. But on Examination report dated 9/8/2004 marked Ext.C-48 of the Senior Scientific Assistant of Central Forensic Science Laboratory, Kolkata, colour of the petticoat marked "PC" is described otherwise as "reddish orange colour". Taking advantage of such difference in colour, the

Ld.Counsel appearing for the Assam Rifles even charged Shri Gunindro Singh, the O.C., Irilbung P.S. that the latter had replaced seized Petticoat from the dead body by another one. On my examination, "orange" is a round thick skin juicy edible fruit that is reddish yellow when ripe, reddish-yellow colour according to Advanced Learner's Dictionary of Current English :-

Orange is large round citrus fruit with a tough bright reddish yellow rind, bright reddish yellow colour, reddish yellow according to the Compact Oxford Reference Dictionary.

The orange is a colour composed of red and yellow, according to Chambers' 20th Century Dictionary, and any of a group of colours that lie midway between red and yellow in hue and are of medium lightness and moderate to high saturation according to Webster's New Collegiate Dictionary.

18. In that case, if a colour is described as a reddish orange colour, it is more nearer or must be nearer to red colour than yellow, and as yellowish shadow is dimmed as the orange colour is a colour between red and yellow. And if it is "Reddish Orange" it must be almost Red, as in Orange there is colour red. So, while describing the colour is red by a person who have very little knowledge of Science of colour, but actual colour is reddish orange, it will be not affect enough to the merit of the case. Because the orange colour, is a mixture of red and yellow or a colour lying between red and yellow. In that case, if it is described as reddish orange, the shed of yellow is almost dimmed.

19. It is difficult to accept the submission of the Ld. Counsel appearing for the Assam Rifles that Shri Gunindro Singh, the O.C. of Irilbung Police Station would have replaced the seized Petticoat by another one. Shri Gunindro has no animous against the Assam Rifles, and Ld.Counsel

appearing for the Assam Rifles cannot show the interest of Shri Gunindro in replacing the Petticoat also. Thus, there is no reason for Shri Gunindro Singh for replacing the seized Petticoat by another one as charged by the Ld. Counsel for the Assam Rifles. There is no ground to disbelieve his evidence.

20. Moreover, it is worth to mention that in the photograph marked "DX" for want of proof and non-production of its corresponding negative, produced by ld. Counsel appearing for the Assam Rifles which was shown to the Shri Munindro (Commission Wintess No. 4), SDO/SDM who held the Inquest Report and Shri Gunindro (C.W. 17), the O.C. Irilbung P.S., the portion marked "DX/1", said to be falling of blood appeared to be in slightly reddish in colour and not deep red and does not look like that of colour of human blood. And as observed by me above, it might be petticoat worn by the deceased instead of falling blood red, as if it was blood, it would not be seen spreaded over grass but might had been under the grass and absorbed on earth.

21. The evidence of the family members of the victim that after victim Monorama was brought inside the house after making physically tortured on the verandah of the house as discussed above in Reference No. 1 at the sub heading Torture in making Arrest and Interrogation, her wearing dresses were seemed wet and swollen and by the time when she was forced to lie on the ground of the verandah with her back on the ground, when Bashu described about her wearing apparels, he did not see his sister Monorama wearing any petticoat by that time. It is to be noted that when Manipuri village girls at their house and moreover, particularly, at the time of sleeping they might not have wearing petticoats and that might be one of the reason when she was physically tortured by outraging her modesty in the verandah as discussed above in Reference No. 1, she was not seen wearing petticoat. In case she was wearing a petticoat as undergarment below the Phanek, there was no reason for not seeing it by her younger brother Basu (V.W. 2). When he

saw her tortured in almost in naked form as her wearing Phanek was under her knees, T-shirt was unfastened and unbuttoned. He could see only her wearing Phanek, underpant and T-shirt. At that time he did not see any brassier. Thus, she might not have been wearing petticoat, slacks below the Phanek.

22. Then, after she was bought in the room by two armed personnel, she was allowed to changer her dress. By the time when she was brought in the house as her wearing dress Phanek and blouse, T-shirt were swollen and wet, she was to change her wearing dress. Those army personnel also asked Monorama to change her wearing dress before she was taken under arrest. Then, as ordered by those uniform personnel to change her wearing wet clothes, accordingly, Monorama did and changed her wearing garments by fresh one. This is a big circumstance which goes against the Assam Rifles and will rule at the possibility of staining the semen and or blood prior to her arrest.

23. Immediately, before Monorama was to be taken out by arresting party of Assam Rifles under arrest, when witnesses of the victim's family alleged that of changing her wearing dress, nothing was asked by and on behalf of the Assam Rifles. Thus, the petticoat which was found wearing by the dead body of victim Monorama must be a fresh one, changed immediately before she was taken her arrest. In that case, there is every possibility of the stain appearing on the petticoat when seized by the Investigating Officer on production by the Medical Officer who conducted the post mortem examination might not be appearing at the time of changing her dress. In case, it was found stained with human semen, it must be or very likely of the person or persons who took her under arrest from her house. It was seen only after the gap of two and half hours according to the time given by the Assam Rifles and the personnel of Assam Rifles being the last seen persons with the deceased, it is their bounden duty to discharge the onus and explain

how human semen was found stained on the wearing petticoat of the deceased.

24. Further, we may not lose the sight of the mud stain appearing on that particular petticoat seized by Shri Gunindro, O.C. of Irilbung P.S. As to how the mud was found stained on the petticoat, we need not labour much. It might be stained from the place where she was fallen at the said place where her dead body was found because in the night of the day of her arrest in the early hours, it is evident from the statement in affidavit of the victim's mother Khumanleima (V.W. No.1) and brother Dolendro (V.W. 3), there were slight rain and that might be the reason one of the officers if the Arresting Team of the Assam Rifles seen wearing a rain coat. The version remained unchanged.

25. It is true that in the vaginal swab collected from the dead body, no semen or spermatozoa either death or alive was found. But it is to be noted that presence of sperm or semen is not the sole criteria for determining whether a woman had sexual intercourse with another person sometime before the collection of swab. Now-a-days, there are plenty of decisions of the Hon'ble Supreme Court to show that even there was no injury on private parts of the victim or hymen was found to be intact or even no spermatozoa or semen could be detected in the vaginal swab, there is every possibility of committing rape on her. There are different kinds of pose in committing sexual intercourse, say in standing and in that case, there might not be any injury on her private parts. The Hon'ble Supreme Court in the case of Ranjit Hazarika v. State of Assam reported date in 1998(8) SCC 635 held that in case victim was subjected to sexual intercourse in standing position, there might absence of injuries on her private parts. In the case of the State of Tamilnadu v. Suresh and Another reported in 1998(2) SCC 372, even there as absence of semen or spermatozca in the vaginal swab collected from the dead body, it was held that there was forcible sexual assault of and subjected to rape of the victim woman.

26. The laceration of hymen at 5-6 O'clock position and laceration of uterus and left side of vaginal wall might have been caused due to forcible sexual assault and rape. Dr. Ksh. Manglem Singh, Commission Witness No. 9, gives a plausible opinion that if the accused used Condom or abstinence of discharging the seminal fluid inside the vaginal cavity, it would not be possible to get evidence by forensic laboratory even though injuries of sexual organs could have been detected. The laceration of vaginal wall as found in the present case may be caused by sexual intercourse. This is same opinion of the decision of the Hon'ble Supreme Court given in State of U.P. v. Babul Nath reported in 1994(6) SCC 29, in order to constitute the offence of rape, it is not at all necessary that there should be complete penetration of the male organ with emission of semen and rupture of hymen. In the case of Panibhusan Behera and others –vs- State of Orissa, 1995 Criminal Law Journal 1561, it was clearly held that to constitute the offence of rape, it is not necessary that there should be complete penetration of penis with emission of semen and rupture of hymen. Further while examining the human, certain anatomical characteristics it should be remembered before assigning any significance to the findings. The shape and texture of hymen is variable. The variation sometimes permits penetration without injury. This is possible because of peculiar shape of the orifice or increased elasticity. Thus, absence of semen or spermatozoa in the swab collected from the dead body will not sufficient to negate the factum of rape on the deceased.

27. Before parting with this Chapter, I want to make an observation that the brassier found on the dead body on wearing by her was found unhooked at the time of the Inquest. This is the evidence given Sobha (C.W. 8) and further corroborated by Dr. Memchoubi (C.W.1) who joined the first postmortem examination and the Medical Officer who removed the wearing apparel from the dead body at the time of postmortem examination. Further, she says that the form of the brassier was found

intact when she removed the brassier. Over and above this even there were many bullet injuries covering or touching the parts of the body covered by the brassier, not the single hole of the bullet could be seen though in case of her other garment worn by the deceased there were presence of a number of holes.

28. Next, it cannot be over looked that deceased/victim Monorama received injuries on her genital organs as being injury No. 5 in the report of Dr. H. Nabachandra marked Ext. C-1. It has been reproduced above.

29. This injury in the vaginal wall, according to Dr. Ksh. Manglem, the bullet hitting the vaginal area might have entered from the back side of the body with her face facing the ground and the assailant firing the bullet will be in an oblique direction standing near the dead body and firing the bullets in an oblique direction. He further goes to state that in that standing position, it was not likely that victim got/ received the bullet injury on such deviated direction and therefore, assailant at the time of firing might be standing by the side of the victim directing from above downward and towards the lower part of the body.

30. The above view of Dr. Ksh. Manglem is found quite consistent with the opinion of Forensic Expert Dr. S. Joychandra, stating that possible positions of firing to hit this injury must be from the right back side while the victim was in prone position. In that case, the genital organs had been selected by the Assam Rifles Personnel with some ulterior motive. It is difficult to imagine as to how the victim could be in prone position and unless some person or persons put her in such fixed position. The Ballistic Expert says that for causing this injury, it would not be possible firing from right back side while the victim was standing, bending or running. And also above that the shooter for causing this injury, must be standing on the same ground level by firing from waist position from the distance more than 1.5 ft approximately. Thus, it was fired from the closed distance.

31. I am completely at the lost to understand how the Assam Rifles personnel had chosen as a target for firing the vaginal/ genital organ of an unmarried girl and after she was taken by them under arrest and taking to places unknown to the family members of the victim. Moreover, it cannot be received in the first shot and thus these evidences and circumstances clearly indicate that victim Monorama might have been subject to rape and sexual harassment. The arresting team of the Assam Rifles with a view to cover up the crime over the person of the victim, they had specifically fired on genital organ of an unmarried girl after taking her under arrest from the house. It appears to me that this aspect exposes not only barbaric attitude but also their attempt to fabricate false evidence with a view to cover up the offence committed by them.

CHAPTER-IV

REFERENCE No.2

"To identify responsibilities on the persons responsible for the death of Km. Monorama Devi."

1. *First of all, before answering this issue, I want to make a word that in this Inquiry, I had not been asked to identify the person or persons who committed the sexual abuse including rape, in case it was committed while the victim was in the custody of the Assam Rifles. Thus, I think it is not proper on my part to labour on it.*

2. Admittedly deceased Monorama who was taken under arrest by an armed troops of 17 Assam Rifles in the night between 10th and 11th July, 2004 from her house, Bamon Kampu Mayai Leikai, was found dead with multiple bullet injuries on the southern road side land of Imphal Yairipok Road near Yaipharok Maring village. There is no witness who had seen how she was shot dead except the personnel of the 17 Assam Rifles after the death of victim of victim Monorama. The story put forward by the Assam Rifles that while the victim was trying to escape, she was shot at her legs and as a result of it, she succumbed to the injuries is found baseless and false, as discussed in the foregoing chapters.

3. No one of the arresting team of Assam Rifles consisting of more than a dozen tried to apprehend her from her alleged trying to escape, either by chasing or otherwise. As discussed above, it is found difficult to believe that a woman of small stature having a height of less than 5 ft. could be able to escape by running in presence of more than a dozen of armed personnel of Assam Rifles. Moreover, at the material time, her hands were being tied and was wearing Manipuri Phanek and Petticoat, in that situation, she could not be able to run freely in order to escape from the clutches of the Assam Rifles personnel who were more than a dozen able bodied and armed with AK 47 Rifles each.

4. Further, the evidence on record, as discussed in Reference No.1 above, clearly shows that deceased Manorama received as many as eight bullet injuries on her vital parts, including on genital portions of her person. Out of them, according to Dr. Nabachandra, the Medical Officer who conducted the first Post Mortem Examination, opines that Injury No.1 to 6 and their corresponding internal injuries were so serious and they could individually or collectively cause death in the ordinary course of nature. This is more or less the same opinion of Dr. Manglem Singh, a Member of the Medical Board who conducted the second Post Mortem Examination and he also stated that, some of the injuries were gross(serious) and could have caused sudden death of the victim. And some of it were not enough to cause death of the person. Further, according to Dr. Ksh. Manglem, after first series of gun shot injuries, the victim might have fallen down with her face facing to the ground. This

will show that after the deceased was fallen on receipt of the first gunshot injury, the personnel of Assam Rifles made further and continued firing aiming on the vital parts of the body including the vaginal part.

5. The evidence on record and attending circumstances clearly reveal that the victim was fired in order to eliminate her and to destroy material evidence. Really, the firing on her person was made so brutally with a prominent feature to kill her ruthlessly. Every firing seemed to show that she should die and could not live anymore. But now, the question is who is and are the persons responsible for the death of Km. Manorama. As the Assam Rifles personnel admit that she was shot dead by them, it is necessary to identify the person or persons who made the firing and responsible for the firing.

6. Major N. Dagar, the Commander of the Arresting Team states that after arrest of lady cadre Manorama, while entrusting her to the group headed by Naib Subedar Digambar Dutt, and consisting of Havildar Suresh Kumar, Rifleman Saikia, Rifleman Ajit Singh and Rifleman T. Lotha, he briefed them saying that the arrested lady cadre (*Km.Manorama @ Henthoi*) was a very dreaded underground(*U.G.*) cadre and accordingly cautioned them to be very careful about her safety and custody. He also warned them that she must not be allowed to escape at any cost or otherwise and that they would face dire consequences in case she escaped. He also ordered that in case she made any attempt to escape,

they must not hesitate to open fire in such a situation, they must not wait for his orders. It was highly wrong on the part of Major N. Dagar to give such a blanket order in such a way to his jawans who were armed with sophiscated arms like AK 47 Rifles. He failed to see that generally jawans were trigger happy men and he even did not say while briefing and making the said blanket order that firing was the last resort that also after due warning and that they should be aimed low i.e. on the legs and should not be fired more than necessity.

7. It is true that Hon'ble Surpreme Court in the case of Naga Peoples Movement of Human Rights –vs- the Union of India, AIR 1998 Supreme Court 431 had permitted use of force in case the arrested person was trying to escape. In doing so, the Assam Rifles Officers, more particularly Major Dagar had failed to understand that firing should be made as a last resort to apprehend the cadre from escape after giving proper warning. Moreover, after firing had been started and made on the pretext that the arrested lady cadre was trying to escape, he did not try to control the firing and restraining the Assam Rifles personnel from further firing. Thus, Major Dagar, the Commander of the Arresting Team will be liable for killing victim Manorama in custody of the Assam Rifles, directly, or if not, vicariously.

CORRECTNESS OF THE LIST OF PERSONS DOUBTFUL ?

8. In view of the circumstances that deceased Monorama was admittedly killed by the Arresting Party of 17 Assam Rifles, it was necessary for

the Commission to have full list of the persons who joined in the said operation to raid and arrest of Km. Monorama. In order to ascertain the names of the persons who had joined in the arrest and taking away of deceased Manroama from her house, I had asked the Commandant of 17 Assam Rifles to furnish the list of persons who joined in the raid and arrest of deceased Manorama in the night between 10th and 11th July, 2004 from the very start of the Commission. Inspite of repeated issuance of notice asking him to furnish the list, the Commandant was avoiding to comply with the direction of the commission for a pretty long time. At last, while giving statement before the Commission as *Assam Rifles Witness No.*1 on 31 st August, 2004, he had furnished list of 13 persons, being *Ext. D/9*, consisting of :-

1. *Major N. Dagar.*
2. *Major MS Rathore*
3. *Naib Subedar Digambar Dutt*
4. *Havildar Suresh Kumar*
5. *Rifleman Ajit Singh*
6. *Rifleman T. Totha*
7. *Rifleman V.C. Saikia*
8. *Rifleman Samir Singh*
9. *Rifleman Feroz Akhtar*
10. *Rifleman Liza*
11. *Rifleman D .Phukan*
12. *Havildar. N. Paite*
13. *Rifleman Puran Singh*

9. Later on, as the names of the AR personnel who joined in the said operation is not found consistent with number of persons published in most of the local dailies of 1st and 2nd September, 2004 and news item of the Telegraph dated 2nd September, 2004, wherein it had been reported that blood sample of 31 persons have been collected and blood samples of another two persons of Assam Rifles have to be collected for DNA test, in order to detect Assam Rifles personnel said to have been committed alleged sexual intercourse on the deceased Manorama. In that situation, the Commission had asked further the Commandant to furnish the list of the remaining Assam Rifles personnel, who had joined in the operation to arrest deceased Manorama. However, Col. Jagmohan stated that those persons other than 13 persons whose names do not find place in the said list Ext."*D-9*" were not directly involved in the operation and that they were sent to diversionary routes. Thereafter, Col. Jagmohan had furnished another additional list containing the names of 13 persons, marked "*D-12*" on 12th October, 2004.

10. It will not be out of place to mention that in the said total list of 33 (thirty three) persons contained in *Exhibit D-9* and *D-12*, there is no Manipuri/Meitei. But in the statements given by the victim's family namely, mother Khuman Leima Devi(*VW1*) and two brothers namely, Bashu (*VW2*) and Dolendro(*VW3*) in clear terms deposed before the Commission that amongst the persons who entered in their house in the night between 10th and 11th July, 20043, there was a Manipuri speaking

person in uniform. They identified that man as Meitei, saying that as that persons had asked them in Manipuri *"Nakhoi Sida Henthoi Liebra"* (*Does, Henthoi live in this house?*) They regarded that uniform person as a Manipuri/Meitie. Khuman Leima (*VW 1*) while giving evidence described the distinguishing features of that man who talked in Manipuri among the personnel saying that he had short stature, in contrast to other persons who were much taller than him and that person spoke in sophiscated Manipuri with accent spoken in Imphal. In course of the cross examination by the Ld. Counsel appearing for the Assam Rifles, it was elicited from the mouth of Bashu (*VW2*) that, the Manipuri speaking person was in army uniform and from his stature, he appeared to be Meitei by appearance as he had dwarf nose and was of short stature and spoke Manipuri very well with accent as spoken in Imphal.

11. Not only the witnesses of the victim's family, two Police Officers also say that there was a Manipuri among the Assam Rifles personnel, who were found at the place where the Manorama's dead body was found lying on the roadside land of Yairipok Road. Shri Manimohan Singh, Dy. S.P./SDPO, Porompat while giving evidence as witness on behalf of the Union of India stated that while he was at the spot where dead body was found lying at the time of inquest on 11-7-2004, he saw one Manipuri speaking person in the Assam Rifles uniform on the spot. He also stated that when he enquired as to whether he was a Manipuri, that person answered in Meiteilon/Manipuri that he was a Manipuri. Further, Shri Gunindro Singh, OC of Irilbung Police station while giving as a

Commission Witness *NO.17* also corroborates this fact of inclusion of Meitei/Manipuri in the troops of the 17 Assam Rifles who were found at the spot on 11th July, 2004.

12. But not a single Manipuri find place in the list *Ex.D-9* and *D.-12*, furnished by the Commandant of the Assam Rifles. In such circumstances, I cannot take that the said lists are fully correct and complete list of personnel of 17 Assam Rifles, who joined in the raid and arrest and taking away of deceased Manorama after her arrest. If this was the position, there is a big chance of excluding other personnel of Assam Rifles or giving the names of persons wrongly with some motive and purpose known to them.

13. The evidence given by Major N. Dagar, the Commander of the team and all four witnesses examined on behalf of the Assam Rifles clearly say that the members of the arresting team did not leave the said place where the dead body was found lying on the said roadside land of Yairipok road till the time inquest over the dead body was over and they remained throughout while SDPO Shri Manimohan Singh and O.C. Gunindro Singh were there. Besides those 13 persons who were already present before arrival of the Police party, and those 20 persons whose names are listed in the additional list *Ext.D-12* arrived afterwards and they also remained with them. If that is position, that person who identified himself as Manipuri to the SDPO Shri Manimohan Singh (*Union of India Witness No. 2*) and O. C. Gunindro(*CW 17*) must be a person who joined in the

operation to arrest deceased Km. Manorama. This is quite consistent with the evidence given by the victim's mother Khumanleima and brother Bashu.

14. It cannot be argued that that person who spoke Manipuri – Meiteilon was none but the source because the evidence given by the *AR W.No.4* Rifleman T. Lotha says that the source who accompanied them on that night of arrest of deceased Manorama was wearing a jeans long pant, black jacket having hoods. The Commander of the team Major N. Dagar also says that the source was wearing civil clothes, not in uniform, though he could not describe his dress. Thus, unmistakably there must be one Manipuri besides the source in the team of Assam Rifles arresting party who joined the raid and arrest of deceased Manorama.

15. Now, I will examine who were the persons who made firing on the person of the deceased. Havildar Suresh Kumar who opened the firing first say that he made only two bursts of fire and out of them, one was fired in the air and as that firing did not give any result, he made the second burst of firing aiming on the leg. But his co-fellow troops who were on his side at the material time did not say the first shot made by Havildar Suresh Kumar was in the air. They being expert and trained persons in the matter of firing, they must be knowing if it was fired in the air or targeted firing on the persons of lady cadre Manorama. By the time when he made second burst of firing he heard other persons of The QRT Guard party also fire. After the said firing made by him, he saw falling of lady cadre

Manorama on the ground. Soon after he made second burst of firing, he heard his other fellow QRT Guard Party also fired towards her. This will clearly show that even after the victim fell on the ground, the arresting team continued firing. On reaching the Company location, and on counting of ammunitions issued to him, he came to know that five rounds of ammunitions were fired by him in the said incident. He cannot give time the gap between the two firings. He goes to say that among the QRT Guard Party, three Riflemen namely, Ajit, Saikia and T. Lotha, had also fired. Rifleman Saikia was standing on his right and Rfn. Ajit was standing on the left at the distance of about 15 to 20 ft. Though he state that Riflemen Ajit, Saikia and T. Lotha also made firing he did not state how many rounds were fired by each of them.

16. Rifleman T. Lotha and Rifleman Ajit Singh, while giving evidence as Assam Rifles *Witness No. 4 and 5* respectively, admit that of firing at the victim Manorama, stating that on hearing the shout *"Ruko, Ruko"* made by Havildar Suresh Kumar, followed by firing sounds, they made firing. Rifleman Ajit Singh says that on hearing the shout *"Ruko, Ruko"* when he looked turning his face, he saw the lady cadre Manorama was running towards a gap in the hedge and realizing that unless he fired from his AK Rifles, lady cadre might have escaped he fired small burst of firing towards her legs. By that time, he heard simultaneous firing from his both sides. On that day, he had fired four rounds of AK Rifles.

17. Next, Rifleman Ajit Singh(*Commission Witness No.5*) admits that he made a burst of firing towards the legs of lady cadre Manorama. While he was firing, simultaneously, he heard firing sounds from his left side also. But he does not say how many rounds he fired.

18. Rifleman Saikia is not produced by the Assam Rifles to place before the Commission for ascertaining if he had fired, and if so how many rounds he fired, but the evidence given by Havildar Suresh Kumar, Rifleman Ajit and Rifleman T. Lotha as said above and their Commander Major N. Dagar (*Commission Witness No.2*) will clearly show that he also made firing aiming at the lady cadre Km.Manorama.

19. Major N. Dagar, the Commander of the team say that when he enquired to the members of the operational team and checked ammunitions, he came to know that Havildar Suresh Kumar fired five rounds, Rifleman Ajit Singh fired 3 rounds, Rifleman Saikia fired 4 rounds and Rifleman T. Lotha fired another four rounds from their respective AK Rifles. Thus, these four persons had fired altogether 16 rounds of AK Rifles. But it is noted that the bullet injuries received by Km. Manorama were only eight as evident from the Post Mortem Examination Report vide *C-1*. In that case, some rounds of firing might have missed the target or they had fired those remaining eight elsewhere, which are not disclosed.

20. In order to make doubly sure of the persons who fired at the deceased, on seeing the news item, published in *Poknapham* dated 18th July, 2004

(*Ext.C-53*), the Editorial of the *Statesmen "Enough, Enough"* dated 27/7/2004(*Ext.C-57*) when it came to the notice of the Commission, "three personnel of Assam Rifles involved in the death of Km.Manorama had been taken of their appointment, the attention of Colonel Jagmohan Singh, Commandant of the 17th Assam Rifles was drawn and asked whether it was correct or not. However, Colonel Jagmohan flatly denies the correctness of the same. Besides these documents the attention of Colonel Jagmohan was further drawn in the Defence News marked, *"C-52"* dated 17th July, 2004, as an interim measure, the concerned persons had been taken off their appointments. It appears that the said news published in Defence News was given by Lt. General Daljit Singh, General Officer Commanding 3 Corps, but to my surprise Col. Jagmohan flatly denies correctness of the news and stated that he had no knowledge about it.

21. In view of the materials before the Commission and for the reasons given above, five persons viz. Major N. Dagar, Commander of the operational team of 17th Assam Rifles is responsible either directly or vicariously, four other personnel who joined in the operational team viz. Havildar Suresh Kumar, Rifleman T. Lotha, Rifleman Ajit Singh and Rifleman Saikia are directly responsible for the killing of Km. Monorama in the custody of the 17th Assam Rifles.

(*Ext.C-53*), the Editorial of the *Statesmen "Enough, Enough"* dated 27/7/2004(*Ext.C-51*) when it came to the notice of the Commission, "three personnel of Assam Rifles involved in the death of Km.Manorama had been taken of their appointment, the attention of Colonel Jagmohan Singh, Commandant of the 17th Assam Rifles was drawn and asked whether it was correct or not. However, Colonel Jagmohan flatly denies the correctness of the same. Besides these documents the attention of Colonel Jagmohan was further drawn in the Defence News marked, *"C-52"* dated 17th July, 2004, as an interim measure, the concerned persons had been taken off their appointments. It appears that the said news published in Defence News was given by Lt. General Daljit Singh, General Officer Commanding 3 Corps, but to my surprise Col. Jagmohan flatly denies correctness of the news and stated that he had no knowledge about it.

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CHAPTER-V

RECOMMENDATIONS

1. I have now come to the end of the journey. This is a very sordid and shocking incident of killing of a girl while in custody of Security Force and that also after indecent assault and torture at her house and even in presence of her family members. While making arrest and interrogation, the arresting team of the security force, mainly 17th Assam Rifles personnel had flouted the clear directions of the Hon' ble Supreme Court of India and relevant provisions of the Code of Criminal Procedure.

2. The Security Force should be asked to follow strictly the directions of the Supreme Court in regard to raid, search and arrest, and more particularly, when it involves a fair sex. It should not be flouted by amending the orders to shoot them, as the Assam Rifles did in the matter of the Arrest Memo. If any defiance of the orders and directions of the Supreme Court, it should result in giving penalty with severe punishment.

3. If they had followed the direction of the Hon'ble Supreme Court, in this regard, while making search and arrest, they had cooped representatives of the local civil administrations, and if it was made in the presence of female police, such ugly incident might not have been occurred. In this case, even Irilbung Police Station lies at a distance less than half a kilometer, the arresting team of 17th Assam Rifles did not try to inform or coop the Police of the nearest Police Station or representatives of the village, say, Pradhan or even neighbours. If the Police, male or female were present, the Assam Rifles arresting team might have slowed down

their action, which was not compatible with the law of the land. In carrying out the raid, search and arrest, the security people, including the arresting authority should not do anything which the victim and his/her family members may get suspicion of committing any illegal things.

4. The security people are required to know that life is valuable. No person shall be deprived of his/her life or personal liberty except according to the procedure established by law. The right to live with human dignity as enshrined under Article 21 of the Constitution must be given due protection. Therefore, strict lessons should be given to the Security personnel to respect the law of the Country. They must know that security people are protectors of law and should not be allowed to become predators. They should be given strict directions that they are not above the law.

5. The Security people are required to know that firing is last resort and that should not be made without giving proper warning by the Officer Commanding of the team or under his Command by his subordinate at the scene. No blanket order before hand permitting to shot/kill should be given.

6. The warning must be in clear terms and to show that firing will be resorted unless he/ she is to stop from trying to escape and that also in the language of the arrestee. The firing should always be low under no circumstances the firing has to be opened over the portion of the leg. The purpose of firing is to apprehend and but not to kill.

7. The firing must be effective and only absolute minimum of shot be fired. In other words once object is fulfill firing is to be ceased.

8. The Security people are required to know that there is no law giving license on them to kill innocent people at their free will on a pretext or otherwise.

9. When a young and grown up girl or female had to be arrested on some charge or other, the security persons are required to make the search and arrest in presence of female police only. They are to know that when a young and grown up girl or female who had been arrested died in their custody before handing over to the police, after some hours of arrest, everybody will doubt as to whether the victim has been sexually abused and was raped while she was in the custody of the security force. Thus, they are required to take maximum precaution.

10. In this case, it is sorry to note that even though it is crystal clear that the victim died due to the multiple bullet injuries while she was in the custody of the security forces-17th Assam Rifles, no arms held by the shooters or suspected persons could have been seized. Even there is a controversy as to whether the victim was raped or not while she was in the custody of the Assam Rifles, the suspected persons have not been arrested and garments worn by those security persons, who joined in the arrest and taking away of her, have not yet been seized. It appears that the Investigating Agency has been handicapped to a great extent for want of cooperation from the side of the 17th Assam Rifles. Thus, instructions should be given to the higher-up of the concerned Security force, that they, or any other persons who were involved are to cooperate to the Police Investigating Agencies.

11. When there is no evidence other than the wrong-doers and the persons who had committed such crime do not come forward to clean their breast of the crime committed by them, there must be a serious thought as to whether the persons who had taken under

arrest and/or in whose custody he or she died, should be examined with the help of lie-detector. In such a position, it will be proper to investigate the case with the help of the outside experts.

12. There must be an interaction between civil Police and the Security forces, including the Assam Rifles. If before launching the operation to arrest Km. Monorama, prior information was given to the concerned Police Station and concerned Superintendent of Police and approached for securing female police or cooped local police and representative of the village, any unhappy incident could be avoided. The security people should not take that to consult or seek the cooperation of the civil police is an infradig. They should not take that to seek the assistance of civil police is below their dignity.

13. The outlook of the personnel of the security force, more particularly those coming from outside in aid of the civil powers, on the people of this state, require to be changed. They think themselves that they are placed at the elated status of impunity under the law and think only that they are given license to do whatever they like. They are to take the people of this state as if their own brothers and sisters and should not ill treat them in any manner.

14. It is true that the laws play a very important role in dealing with the crime and law and order. But the laws are the instrument, and it requires goods persons to interpret and execute the law. They are equally necessary with the goods laws. Mere interpretations of better laws will not be enough without better people. So, at the time of recruitment only people of high moral standard should be selected and any persons found guilty in offence involving moral turpitude should be terminated from service.

15. The Security people are required to know that it is a legitimate right of any Police Officer to interrogate or arrest any suspect on some credible materials. But in that case, the Assam Rifles should not have objected or delayed the production of the witness on mere ground that there is the Army Court of Inquiry.

16. The Assam Rifles or any other arresting authority must be given strict instructions that there is a great responsibility on the arresting authority to ensure that the person in their custody is not deprived to life.

17. The members of the Security force and civil Police Officers should be given proper education on human rights and they are required to know the relevant decisions of the Hon'ble Supreme Court from time to time.

18. The members of the Security force should be made to understand the Indian culture and to give respect to the womenhood, which is a great part of the Indian culture.

19. Instructions should be given to the Security force that the *"Do's and Don'ts' given in Naga Peoples' Movement of Human Rights -vs-. the Union of India 1998 page-410 and the instructions given in DK Basu –vs- the State of West Bengal AIR 1997 Supreme Court 610*" are as part of their Ten Commandments.

20. The recommendations, as suggested above, are not intended to be exhaustive but contain only the bare essential of what are required to do for preventing recurrence of such incident in future.

CHAPTER - VI

EPILOGUE :

1. Now, I would like to conclude this Report of the Commission of Judicial Inquiry to inquire into amongst others, to inquire amongst others into the facts and circumstances leading to the death of Km. Thangjam Monorama Devi on 11.7.2004; which is conveniently named by this Commission, as Monorama Death Inquiry Commission with my grateful appreciations of the assistances rendered to and cooperation received by me.

2. It is my foremost duty to record my hearty feelings about the witnesses who appeared to give evidence before the Commission. Really, without them, nothing would have been possible to prepare this Report.

3. The Home Department and General Administration Department, Manipur Secretariat, Government of Manipur gave full cooperation to the Commission and therefore, deserves to be complemented.

4. I cannot conclude this Report without expressing my gratitude to the ld. Advocates who appeared before the Commission, namely, Smt. N. Samida, Additional Government Advocate-cum-Public Presecutor who appeared throughout to assist the Commission, Shri S. Lakhikanta, Advocate for the Victim's mother, Shri N. Koteshor, Advocate for the victim's brother, Shri Ch. Ngango, Advocate for Bamon Kampu Development Association, Shri Jhaljit, Advocate appearing for All Bamon Kampu Women Welfare Association, Shri P.N. Choudhuri, Additional Central Government Standing Counsel, at first for 17th Assam Rifles and later on for the Union of India only, Col. Triveni Prasad, Advocate appearing for the 17th Assam Rifles. All of them had rendered

excellent service in the course of hearing before the Commission and they were keen to present their respective cases.

5. *I record my appreciation of the service rendered by Shri Jason A. Shimray, MCS, Dy. Commissioner (DE), Government of Manipur who has been posted as Secretary to the Commission. He is very helpful to the Commission.*

6. *I record my special appreciation of the services rendered by* (1) Shri Leishangthem Ratan Singh, Stenographer Grade-I *and* (2) Md. Afjal Khan, Steno *of the General Administration Department, Manipur Secretariat. They had rendered their services quite willingly and whole heartedly without any grudge. They had recorded the depositions of the witnesses very swiftly without any error, and after completion of recording of evidence, they had recorded the reports on type writer and then fitted in Computer very swiftly without any error. Sometimes, they had to work from 8 a.m. till late evening. Further, I record my special thanks of the service rendered by (3)* Shri Anand Bhusan, LDA *of Manipur Secretariat who maintained the records of the Commission properly and prepared tables properly. I can say very proudly that without the help and cooperation of these three employees of Manipur Secretariat, it would not have been possible to bring out this voluminous Report in time. It may also be worth mentioning that these three employees were compelled to work most of the times even before and after office hours and on Sundays and General Holidays while hearing of the Commission was going on and preparing this Report.*

7. I also place my appreciations on record all the services rendered by the Grade-IV employees of Manipur Secretariat posted to this Commission.

LIST OF APPENDICES

SL. NO.	PARTICULARS	SHEETS NO.
1	Order by the Home Department, Govt. of Manipur dated 12th July, 2004 Constituting the Commission.	-2-
2.	Order dated 13th July, 2004 appointing Shri Jason A. Shimray, MCS, Secretary to the Commission.	-1-
3.	Public Notification dated 14th July,2004 issued by the Secretary of the Commission inviting statement in affidavit and information.	-2-
4.	Notice for extension for filling of statement in affidavit etc. dated 19th July,2004	-1-
5.	Order of the Law & LA Department, Govt. of Manipur appointing Smt. Samida Devi, Addl. Govt. Advocate to assist the Commission dated 20th July, 2004.	-1-
6.	Order by the Governor, issued by the Home Department dated 11th August, 2004 extending the time to submit report till 12/9/2004.	-1-
7.	Order by the Governor, issued by the Home Department dated 11th October, 2004 extending time to submit report till 12/10/2004.	-1-
8.	Order by the Governor, issued by the Home Department dated 11th October,2004 extending time to submit report till 12/11/2004.	-1-
9.	Order by the Governor, issued by the Home Department dated 11th November, 2004 extending time to submit report till 22nd November,2004	-1-
10.	List of witnesses examined as Commission Witness	-2-
11.	List of witness examined as Assam Rifles witness	-1-
12.	List of witness examined as Union of India witness	-1-
13.	List of witness examined as Victim's witness	-1-
14.	List of witness examined as Action Committee witness	-1-
15.	List of documents relied on material objects exhibited	-4-
16.	List of Defense Exhibits.	-2-
17.	Manipur Gazette dated 21st July, 2004	-1-

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LIST OF APPENDICES

LIST OF WITNESSES EXAMINED AS UNION OF INDIA WITNESS:-

NAME AND ADDRESS :-	DATE OF EXAMINATION:-	NO. OF SHEETS
RIFLEMANGD SHYAM KUMAR SING, 17th ASSAM RIFLE.	9th SEPTEMBER, 2004.	1-6 SHEETS.
SHRI NINGTHOUJAM MANIMOHAN SINGH, MPS, SDPO, POROMPAT.	24th OCTOBER, 2004.	1-4 -Do-

LIST OF WITNESSES EXAMINED AS COMMISION WITNESS:-

WITNESS NO.	NAME AND ADDRESS :-	DATE OF EXAMINATION:-	NO.OF SHEET:-
NO. 1	DR.MEMCHOUBI.PH. OF – NGKEHT KONSHAM LEIKAI.	30th AND 31ST JULY,2004.	1-4 SHEET
NO. 2	DR. H. NABACH ANDRA SINGH OF SAGOLBAND TERA LOUKRAKPAM LEIKAI.	30th, 31st JULY AND 6th AUGUST.	1-14 SHEET
NO.3	SHRI THANGSA KHAMBA MARING , YAIPHAROK MARING VILLAGE.	31st JULY AND 2nd NOVEMBER, 04.	1-14- SHEET
NO.4	SHRI MEISHANAM MUNINDRO, SDO, KWAKEITHEL MOIRANG PUREL LEIKAI.	1st AUGUST AND 26th OCTOBER, 04.	1-14 SHEET
NO.5	SHRI ELANGBAMBROJEN OF BAMON KAMPU.	1st AUGUST, 2004.	1-5 SHEET
NO.6	SHRI WAHENGBAM INAO LUWANG, BAMON KAMPU.	1st AUGUST, 2004	1-3 SHEET
NO. 7	SHRI KH.MANGOLJAO SINGH, BAMON KAMPU.	2nd AUGUST, 2004	1-2 SHEET
NO.8	SHRI TH.SOBHA SINGH, BAMON KAMPU.	2nd AUGUST,2004	1-5 SHEET
NO.9	DR.KSH. MANGLEM SINGH, THOUBAL.	2nd AND 3rd AUGUST, 2004.	1-13 SHEET
NO.10	SHRI L.RATAN SINGH, BAMON KAMPU.	2nd AUGUST, 2004.	1-2 SHEET
NO.11	SMT. PUKHRAMBAM BILASHINI DEVI, KEIRAO.	3rd AUGUST AND 30th OCTOBER, 04.	1-28 SHEET
NO.12	SHRI A. GOPESHWOR SHARMA, KHUNDRAKPAM.	4th AUGUST, 2004	1-2 SHEET
NO.13	SHRI KONSHAM SHARAT SINGH, CHARANGPAT.	4th AUGUST AND 23rd OCTOBER, 04.	1-5 SHEET
NO.14	SHRI TH.CHAOBA SINGH, UTLAU.	5th AUGUST 2004	1-8 SHEET
NO.15	SHRI M.NONGYAI SINGH, NINGOMHTONG.	6th AUGUST 18th, 19th, 20th AND 21st OCTOBER, 2004.	1-27 SHEET

LIST OF WITNESSES EXAMINED AS CO MMISION WITNESS:-

WITNESS NO.	NAME AND ADDRESS:-	DATE OF EXAMINATION:-	NO. OF SHEET:-
NO. 16	MD.BA NIAMIN, YAIRIPOK.	6th AUGUST, 2004.	1-4 SHEETS.
NO.17	SHRI S. GUNINDRO SINGH, PISHUMTHONG.	9th, 10th AND 25th AUGUST 26th OCTOBER, 2004.	1-32-dO-
NO.18	SHRI N.GOURKISHWOR SINGH, PALACE COUMPOUND.	18th AUGUST, 2004.	1-6-do-
NO.19	MAJOR MS RATHOR OF 17th ASSAM RIFLE.	11th; 12th AND 14th OCTOBER, 2004.	1-26-do-
NO.20	HAV. N. PAITE OF 17th ASSAM RIFLE.	16th OCTOBER, 2004.	1-4-do-
NO.21	HAV.UMED SINGH OF 17th ASSAM RIFLE.	16th OCTOBER, 2004.	1-2 –do-
NO.22	HAV.SINGH BAHADUR THAPA OF 17th ASSAM RIFLE.	16th OCTOBER, 2004.	1-2 –do-
NO.23	KANGAMBAM AJIT SINGH, BAMON KAMPU.	18th OCTOBER, 2004.	1-9-do-
NO.24	DR.SORAISHAM JOYCHANDRA SINGH KWAKEITHEL MAYAI KOIBI.	20th AND 28th OCTOBER, 2004.	1-15-do-

LIST OF WITNESSES EXAMINED AS ASSAM RIFLE WITNESS:-

WITNESS NO.	NAME AND ADDRESS :-	DATE OF EXAMINATION :-	NO. OF SHEET:-
NO.25	COL.JAGMOHAN SINGH, COMMANDENT 17th ASSAM RIFLE.	30th, 31st AUGUST, 1st &2nd SEPTEMBER AND 12th &18thOCTOBER, 2004.	1-39 SHEETS.
NO.26	MAJOR NAVNEET DAGAR, 17th ASSAM RIFLE.	2nd, 3rd, 4th, 6th, 7th AND 8th SEPTEMBER, 2004.	1-70 –do-
NO.27	HAVILDARK SHURESH KUMAR, 17th ASSAM RIFLE.	9th, 10th AND 11SEPTEBER, 2004.	1-26-do-
NO.28	RIFLEMAN T.LOTHA, 17th ASSAM RIFLE.	22nd AND 23rd SEPTEMBER, 2004.	1-20-do-
NO.29	RIFLEMAN AJIT SINGH, 17th ASSAM RIFLE.	23th, 24th AND 25th SEPTEMBER, 2004.	1-23-do-
NO.30	NAIB SUBEDAR DIGAMBER DUTT, 17th ASSAM RIFLE.	27th, 28th AND29th SEPTEBER, 2004.	1-27-do-

LIST OF WITNESSES EXAMINED AS VICTIM'S WITNESS:-

WITNESS NO.	NAME AND ADDRESS :-	DATE OF EXAMINATION :-	NO. OF SHEET:-
NO.31	THANGGAM ONGBI KHUMANLEIMA DEVI, BAMON KAMPU MAYAI LEIKAI.	1ST AUGUST, 2004.	1-8(SEPERATE)
NO.32	THANGJAM BASU, BAMON KAMPU MAYAI LEIKAI.	4th AND 5th AUGUST, 04.	1-8-do-
NO.33	THANGJAM DOLENDRO MEITEL, BAMON KAMPU MAYAI LEIKAI.	4th, 6th AUGUSTAND 29th OCTOBER, 2004.	1-26-do-

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LIST OF EXHIBITED DOCUMENTS

No.of Exhibit	Particulars	Date	By whom
Ex-C/1	Post Mortem Report	30/7/2004	Dr.Memchoubi
Ex-C/2	Seizure Memo for Seize of video cassette Of PM		Dr.Nabachandra
Ex-C/3	Seizure Memo for seize Of Scalp hair, sample Of blood, pieces of cloth, Petticott, Underwear, Brassier.	"	"
Ex-C/4	Seizure Memo for seizure Of vaginal swab packed and Sealed in envelops.	"	"
Ex-C/5	Application to D.C.,Imphal East Filed by O.C., Irilbung P.S. for Deputing one Executive Magistrate For inquest in photocopy.	1/8/2004	M.Munindro
Ex-C/6	Inquest Report	"	"
Ex-C/7	Seizure Memo for seizure of Knife	"	"
Ex-C/8	Seizure Memo for seizure of Broken door, chikini, broken Door bar	6/8/2004	M.Nongyai,ASI
Ex-C/9	Post Mortem Report(2nd)	"	Dr. Manglem
Ex-C/10	Seizure Memo prepared by M.Nongyai(ASI) for Xerox Copy of Arrest Memo	"	M.Nongyai, ASI
Ex-C/11	FIR in photocopy	6/8/2004	M.Nongyai, ASI
Ex-C/12	Original Ijahar in photocopy	"	"
Ex-C/13	Arrest Memo		
Ex-C/14	No Claim Certificate	"	"
Ex-C/15	Rough Sketch map of P.O. with index	"	"
Ex-C/16	Seizure memo of fanek & Lady T.Shirt	9/8/2004 & 10/8/2004	S.Gunindro Singh, O.C.

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LIST OF DEFENCE EXCHIBITS:-

SL.	NO.OF EXCHIBITS:-	PARTICULARS:-	EXCHIBITED BY:-
1	D-1	Copy of central Govt.Gazettee Notification bearing No.711 dated 13th November,2001	Col. Jagmohan Singh Commandant 17th Assam Rifles.
2.	D-2	Copy of Central Govt. Gazette Notification bearing No.1022 dated 30th December,2000	-do-
3.	D-3(i-ia)	Copy of instruction given by Manorama @ Henthoi Finance Secy.PLA dated 20th April,2004 and Demand Note dated 27th December,2004 address to Minister PHED,Imphal	-do-
4.	D-3(ii)	Joint interrogation report of Miss K.Asin Sinnu Kour @ Thoi @ Linthoigambi @ Sana on 22nd May,2002 in connection with FIR No.18(5)02 Lamshang(LSU)P.S. Case U/S 10-13 UA (P) Act,16(1-C)A-Act which refer to details of SS Corporal Manorama Devi@ Henthoi.	-do-
5.	D-3(iii-iiia)	Police captured from General HQ.Rank Orders of PLA bearing No.A/2-1/02/2001 dated 02/04/2001 showing PLA NO.1262 Henthoi being promoted to L/Copl(Lance Corporal) and radio frequency code use by her.	-do-
6.	D-3(iv-vii)	Ssit Reps from 24th March,2003 to11th July 2004 total 32 Sit Reps.	-do-
7.	D-4(i-vi)	Intercept report dated 12th Juyly, 2004, 11th July, 2004, 10th July 2004, 8th July 2004 3rd July 2004, 30th June 2004,26th May,2004 Informing the authority about the activities Movement and identification marks and bio-data of Capt.Henthoi revealed as Cpl.Henthoi@ Manorama, Date of Birth 1973, Qualification BA, ID Mark – a black mole on the upper lip. IED expert during the period mentioned.	-do-
8.	D-5	Extract copy of signal from the Army HQ dated 23rd July ,2004.	-do-
9.	D-6	Copy of Medical Report dated 20 October, 2003 of Manorama Devi @ Cpl.Henthoi.	-do-

10.	D-7	Extract of Sangai Express dated 15 August, 2003 with heading "Bomb blast claims six passengers"	-do-
11.	D-8	Extract of Sangai Express dated 15 August, 2003 with heading "Condemnation pour in, ex – gratia of Rs.1 lakh each assured.	-do-
12.	D-9	List of AR personnel who took part in the Operation to arrest victim Monorama.	-do-
13.	D-10	List of Arms issued to the parties in arresting Km. late Monorama Devi in the night 10th and 11th July, 2004.	-do-
14.	D-11	Forwarding application dated 23rd Sept., 2004 for allowing to submit list remaining 20 persons who were involved in the operation on 11th July, 2004	-do-
15.	D-12	List of remaining 20 personnel who were involved in the operation on 11th July, 2004.	-do-
16.	D-13	Original FIR in photocopy for the Assam Rifles	
17.	DX	Colour photograph	Col.Triveni Prasad, Ld. Counsel for 17th Assam Rifles

Ex-C/17	Original Ijahar in Photocopy	"	"
Ex-C/18	Seizure Memo of the Seized items, one radio set Chinese Hand Grenade(live) And is marked as X/1	"	"
Ex-C/19	Re-seizure Memo for Re-seizure of one radio Set and Chinese Hand Grenade	"	"
Ex-C/20	Rough Sketch map with Index.	"	"
Ex-C/21	Negcative of the photo	9.8.2004	S.Gunindro Singh
Ex-C/22		"	"
Ex-C/23		"	"
Ex-C/24	Positive photo of negative Ex-C/21	"	"
Ex-C/25	Positive photo of negative Ex-C/22	"	"
Ex-C/26	Positive photo of negative Ex-C/23	"	"
Ex-C/27	Copy of the application In Photostat	10/8/04	
Ex-C/28	Letter sent by the Secretary Of the Commission to DGP	18/8/04	N.Gourkishore
Ex-C/29	Report submitted to S.P./IW By N.Gourkishore	"	"
Ex-C/30	Letter forwarded by S.P. To the Commission	"	"
Ex-C/31	Closed envelop containing The summonee address to C.O. of 17 Assam Rifles	"	"
Ex-C/31(i)	Summons in duplicate to C.O.	"	"
Ex-C/32	Envelop containing the summonee Address to Rfn.Ajit Singh	"	"

Ex-C/32(i)	Summons in duplicate to Rfn. Ajit Singh	"	
Ex-C/33	Closed envelop Containing summons To Hav.Suresh Kumar	18/8/04	N.Gourkishore
Ex-C/33(i)	Duplicate summons to Hav.Suresh Kumar	"	"
Ex-C/34	Closed Envelop addressed To Naib Subedar Digambar Dutt	"	"
Ex-C/34(i)	Summons in duplicate to Digambar Dutt	"	"
Ex-C/35	Closed envelope containing Summons to Rfn.Lotha	"	"
Ex-C/35(i)	Duplicate summons to Rfn. Lotha	"	"
Ex-C/36	Endorse letter by SP/IW To Secretary of the Commission	"	"
Ex-C/37	Report of SDPO/IW to SP/IW	"	"
Ex-C/38	Letter of SP/IW to the Commission	"	"
Ex-C/39	Enclosed envelop of summons to Col. Jagmohan Singh, CO of 17 AR	"	"
Ex-C/40	Duplicate summons addressed to Naib Subedar DIgambar Dutt	"	"
Ex-C/41	Duplicate summons to Hav. Suresh Kumar	"	"
Ex-C/42	Duplicate Summons To Rfn.Lotha	18/8/2004	N.Gourkishore
Ex-C/43	Duplicate Summons To Rfn. Ajit Singh	"	"
Ex-C/44 Ex-C/45	Letter of Dr.S.Joychandra Addl.Director, Forensic Lab., Pangei, Manipur.	25/8/2004	S.Gunindro
Ex-C/46	Forwarding letter of the report Of the Director of Forensic Science Lab., Kolkata	"	"

Ex-C/47	Letter for return of Material objects	"	
Ex-C/48	Report for chemical Examination Of the Sr.Scientific Asstt. Of Central Forensic Science.Lab.	"	"
Ex-C/49	Retaining the cutting of Exhibits For serological analysis return To the Addl.Director, Forensic Science Lab,Manipur.	"	"
Ex-C/50	Receipt of referred materials Objects issued by Sr.Scientific Assistant of Central Forensic Science Lab., Kolkata return To the Addl. Director,Forensic Science Lab,Manipur.	"	"
Ex-C/51	Photocopy of Statesman(Kolkata Edition) from editorial with Heading "Enough is Enough"	"	"
Ex-C/52	Fax copy of Defence News	"	"
Ex-C/53	Photocopy of extract from Poknapham	"	"
Ex-C/54	Attested copy of Arrest Memo (Supreme Court)	"	"
Ex-C/55 Ex-C/56 Ex-C/57 Ex-C/58	Photographs of front door from different positions	"	M.Nongyai
Ex-C/59	Photo produced by the Ballistic Expert for injury No.7	"	"
Ex-C/60	Photo produced by the Ballistic Expert for injury No.8	"	"
DX -	photo produced by the Assam Rifles	"	"
V1 -	Affidavit of		
V2 -	Affidavit of	"	"
V3 -	Affidavit of	"	"