

Closure of fake encounter case at Pathribal, J&K

2679. SHRI G.N. RATANPURI : Will the Minister of DEFENCE be pleased to state:

- (a) whether five innocent persons were killed by Army / Security personnel in a fake encounter at Pathribal, Anantnag, Jammu and Kashmir on 25th March, 2000;
- (b) whether Justice Pandian Commission indicted and CBI chargesheeted five Army personnel for these killings;
- (c) whether closure of this case by Army amounts to denial of justice in a case of gross violation of Human Rights; and
- (d) the steps Government contemplates to ensure justice in this case?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY) : (a) Five civilians were killed during an encounter at Pathribal on 25th March 2000 in a joint operation launched by the Army and the Police.

(b) Justice SR Pandian Commission of Inquiry does not relate to Pathribal case. However, CBI had presented a Challan in the Pathribal case before the Court of Chief Judicial Magistrate (CJM)-cum-Spl. Magistrate CBI, Srinagar on 9.5.2006 wherein they indicted 5 Army personnel for these killings.

The Court of CJM, Srinagar issued notice to Army authorities regarding taking over the case for disposal under Army Act. The validity of the action taken by the CJM was challenged by the Army on the ground that prior sanction of the Central Government ought to have been taken as per Armed Forces (Special Powers) Act, 1990. However, the application of the Army was disallowed by CJM, Srinagar. The Army challenged the matter before the High Court of J&K at Srinagar, which was also dismissed. Aggrieved by this, a SLP was filed before the Hon'ble Supreme Court. In terms of the Judgment of Hon'ble Supreme Court, the case was taken over by the Army.

(c) and (d) As per laid down legal procedure under relevant Army Act and Army Rules. Hearing of Charge was conducted and Summary of Evidence was recorded from witnesses in the case. After examining the evidence contained in the Summary of Evidence, *prima-facie* case against these 5 Army personnel was not established and the case was therefore dosed by Army. Meanwhile, CJM, Srinagar has asked for certain information from Army in this case.

Infiltration into Indian border by China

†2680. SHRI MOTILAL VORA : Will the Minister of DEFENCE be pleased to state:

- (a) the number of incidents of infiltration into Indian border by China during the last six months;

†Original notice of the question was received in Hindi.