General Allegation – India – May 2026

The Working Group on Enforced or Involuntary Disappearances (hereafter, 'the Working Group') received information from the sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, 'the Declaration') by the Republic of India (hereafter, "India"), especially with regard to the state of Manipur.

1. This general allegation focuses on reports of enforced disappearances in the state of Manipur, especially in the context of the ethnic violence erupted in May 2023; the failure to register First Information Reports and the existing loopholes in the applicable legal framework, including the lack of criminalisation of enforced disappearance as an autonomous offence under the domestic legislation; the shortcomings of the "Justice Ajai Lamba Commission", especially in terms of transparency, independence and impartiality; and concerns related to the application of the Armed Forces (Special Powers) Act of 1958 (hereafter, "AFSPA") and other counter-terrorism laws in Manipur.

2. The Working Group notes that, in February 2022, it submitted a general allegation to India referring to obstacles encountered in the implementation of the Declaration, especially with regard to the state of West Bengal. The Working Group regrets that, to date, no reply has been received.

3. The Working Group equally recalls OL IND 3/2026, whereby concerns about the application of the AFSPA in a broader matrix of Indian counter-terrorism laws are expressed and to which, to date, no reply has been received either.

4. The Working Group calls on the Government of India to engage in a constructive dialogue and respond to the general allegation and other communications sent, reiterating its availability to provide technical assistance and cooperation on matters related to its mandate.

Context in the state of Manipur and allegations of enforced disappearances

5. The state of Manipur, situated in the north-East of India, at the border with Myanmar, is inhabited by several Indigenous Peoples, including the Meitei, Naga and Kuki-Zou. Since the reportedly controversial merger agreement of 1949 between the Maharaja of Manipur and the Government of India, Manipur has lived a low-intensity armed conflict between the Indian armed forces and groups such as the "Revolutionary Peoples Front" and the "United National Liberation Front", which India declared as "terrorists" under the Unlawful Activities (Prevention) Act, 1967.

6. In addition, in May 2023, ethnic violence between the Meitei and the Kuki-Zou erupted and was reportedly marked by the commission of serious crimes, including sexual violence, mass forced displacement, extra-judicial killings and enforced disappearances, by members of both groups, including, on occasions, acting with the tolerance, acquiescence and support of State agents, and in the absence of effective measures undertaken by the State to prevent them, to conduct effective, impartial, independent and thorough investigations, and to hold those responsible accountable.

7. The Working Group has been informed that, in the capital of the state of Manipur (Imphal) alone, more than 30 people, including minors, have disappeared in the context of the ethnic violence that erupted in May 2023. Reportedly, the police and other Indian authorities (including members of the Assam Rifles, i.e. a special force tasked with counter-insurgency and border security) were involved, at least by acquiescence or indirect support to paramilitary or vigilante groups, in the perpetration of the enforced disappearances. The Working Group was informed that in all the reported cases, State authorities failed to act diligently in terms of search activities and investigations. Allegedly, this nourished a deep sense of frustration and distrust vis-à-vis State authorities.

8. In some cases, the dead bodies of persons reported disappeared in May 2023 – including students and minors – were found after a few days, with marks of torture and severe ill-treatment. According to the information submitted to the Working Group, there has not been a thorough, impartial, independent and effective investigation to determine the cause of death of these persons and to identify and hold perpetrators accountable. At the time of writing, the fate and whereabouts of at least 30 persons disappeared in May 2023 remain unknown and, as mentioned, authorities allegedly failed to search for them and to conduct effective investigations.

Failure to register First Information Reports and loopholes in the applicable legal framework

9. According to the sources, on multiple occasions, when relatives of disappeared persons approached the police to file a First Information Report (FIR), the police refused to do so either without an explanation or mentioning that they cannot register FIRs where State security forces are allegedly involved. Instances of "selective registration" – to be read in the context of the ethnic violence erupted in Manipur – have also been reported, fuelling the perception that law enforcement agencies may be biased. The Working Group was informed that, where relatives insisted for the registration of an FIR, they were often subjected to intimidation, attacks and harassment.

10. Notably, the registration of an FIR is necessary to trigger an investigation. However, pursuant to the applicable legislation, in order to bring a lawsuit against members of State security forces, prior Governmental approval is required, making it virtually impossible to seek and obtain justice where State agents are allegedly involved in the perpetration of a crime, including by tolerance or acquiescence.

11. The Working Group was informed about an additional loophole in the applicable domestic criminal framework, which fails to codify enforced disappearance as an autonomous offence. Accordingly, were an FIR to be registered, investigations could nevertheless not be conducted on the crime of enforced disappearance, but would have to refer to other offences, such as kidnapping or abduction, which may form part of an enforced disappearance, but do not encompass all the constitutive elements of the latter.

12. The sources informed the Working Group that in the few cases relating to persons disappeared in May 2023 where an FIR was eventually registered, no progress whatsoever has been made in the investigation and it has proved extremely difficult for the families to obtain information on the progress of the investigations. Furthermore, according to the information received by

the Working Group, despite serious complaints made by survivors and witnesses against security forces, FIRs omit these allegations.

Composition of the "Justice Ajai Lamba Commission" and ongoing delays in the publication of the findings

13. It is coming up to three years since the 4 June 2023 appointment by the Government of India of a three-member Commission of Inquiry to probe the ethnic violence erupted in May 2023 in Manipur. The Commission's report, which was headed by Mr. Ajai Lamba, former Chief Justice of the Gauhati High Court, has been repeatedly delayed. On 26 February 2026, just three months prior to the planned deadline for the report, Mr. Lamba resigned and was replaced by former Supreme Court Judge Balbir Chauhan. The two other members of the Commission, are retired Indian Administrative Service officer Mr. Himanshu Sekhar Das and retired Indian Police Service officer Mr. Aloka Prabhakar. The Commission has been given extension three times to deliver its report, which was due on 20 May 2026. However, an additional 6-month extension was granted.

14. According to the information received by the Working Group, the Commission's composition would not meet the required standards of independence and impartiality, especially bearing in mind the alleged involvement of security forces, at least by acquiescence, in the perpetration of enforced disappearances in the context of the ethnic violence in 2023. The inclusion of a former Indian Police Service officer and a former senior civil servant gives at the very least a perception that the body lacks independence, undermining public trust in the Commission. The Working Group has learned that victims are reluctant to approach the Commission for fear of reprisals. Similarly, authorities such as the police force, which should provide witness protection, are perceived as biased and have reportedly been unwilling to provide adequate support.

Concerns related to the application of the Armed Forces (Special Powers) Act of 1958 and other counter-terrorism laws in Manipur

15. The Working Group was informed that the situation described in the previous paragraphs is compounded by the application of the AFSPA and other counter-terrorism laws in Manipur which, on the one hand, would facilitate the commission of enforced disappearance, and, on the other, would hinder investigations and favour impunity where State agents are allegedly involved, including by acquiescence.

16. The AFSPA – which should be an "emergency legislation" – has reportedly been in force in Manipur almost continuously since 1980. It confers special powers to Indian armed forces for counter-insurgency, allowing the derogation of fundamental rights and, reportedly, facilitating the militarisation of the state and the perpetration of gross human rights violations, including enforced disappearances. Pursuant to the AFSPA, Indian armed forces are conferred unrestricted power to carry out their operations in areas declared as "disturbed areas" under section 3 of the act. Notably, after ethnic violence erupted in May 2023, AFSPA has been applied in Manipur, although its application has been uneven in the valley or in the hills or Manipur (this distinction reflects the ethnic composition of the state), where it has been lifted or imposed in a reportedly selective way.

17. Furthermore, it has been brought to the attention of the Working Group that certain provisions of the AFSPA do not provide adequate guarantees with regard to the deprivation of liberty of persons and may result in the commission of enforced disappearance. In particular, as emphasised also in OL IND 3/2026, section 4(c) provides for the arrest without warrant of "any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or *is about to commit* a cognizable offence". The power to arrest a person whom it is reasonably suspected "is about to commit" an offence is vague and overbroad and appears to constitute a form of preventive security detention. This is especially problematic, bearing in mind that the AFSPA could permit periods of protracted detention without prompt judicial review, which heightens the risk of enforced disappearance.

18. Moreover, pursuant to section 6 of the AFSPA, Indian armed forces are granted immunity, in the sense that "no prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act".

19. Other applicable security and counter-terrorism laws in force in Manipur include the already mentioned Unlawful Activities (Prevention) Act, 1967; the Assam Rifles Act, 1941; the Prevention of Seditious Meetings Act, 1911; the Official Secrets Act, 1923; the Maintenance of Public Order Act, 1947; the National Security Act, 1980; and the National Investigation Agency Act, 2008. The application of these laws in addition to AFSPA reportedly exacerbates the risk of commission of gross human rights violations, including enforced disappearances, and contributes to maintaining impunity over the alleged violations.

20. With regard to the allegations contained in this document, the Working Group would like to bring to the Government's attention the following provisions of the Declaration:

Article 2

1. No State shall practice, permit or tolerate enforced disappearances.

2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 4

1. All acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties, which shall take into account their extreme seriousness.

2. Mitigating circumstances may be established in national legislation for persons who, having participated in enforced disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information, which would contribute to clarifying cases of enforced disappearance.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 9

1. The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7 above.

2. In such proceedings, competent national authorities shall have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found.

3. Any other competent authority entitled under the law of the State or by any international legal instrument to which the State is a party may also have access to such places.

Article 10

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.

2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

Article 12

1. Each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention.

2. Each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.

Article 13

1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.

2. Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.

3. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

4. The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.

5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Article 16

1. Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, above, shall be suspended from any official duties during the investigation referred to in article 13 above.

2. They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.

3. No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.

4. The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.

Article 18

1. Persons who have or are alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.

2. In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.

21. While India has signed, but not yet ratified the Convention for the Protection of All Persons from Enforced Disappearances, it has a duty to act in good faith and not defeat the object and purpose of the treaty. Moreover, the Working Group wishes to recall that the absolute prohibition of enforced disappearances and the corresponding obligation to investigate them and hold perpetrators accountable have attained the status of *jus cogens*, making such obligations binding on all States irrespective of their ratification status.

22. Moreover, the Working Group wishes to also recall the obligations of the State pursuant to the 2019 Guiding Principles for the Search for Disappeared Persons; the Working Group's General comment on the Right to the Truth in Relation to Enforced Disappearances (A/HRC/16/48, para. 39), which elaborates on the right to the truth as both a collective and an individual right; its report on standards and public policies for an effective investigation of enforced disappearances; as well as the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions; and the Revised version of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the Working Group wishes to refer to its thematic study on enforced disappearances and economic, social and cultural rights.

23. Furthermore, the Working Group recalls its general comment on Article 10 of the Declaration, spelling out the guarantees due to persons deprived of their liberty, especially in pre-trial detention, as well as its joint statement on so-called "short-term enforced disappearances", which clarifies that, in order to constitute an enforced disappearance, the deprivation of liberty of a person must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment.

24. The Working Group also wishes to recall and reiterate earlier recommendations to ratify the International Convention on the Protection of all Persons from Enforced Disappearance (signed by India on 6 February 2007) and to recognise the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-state communications.

25. The Working Group would be grateful for your Excellency's Government's cooperation and observations on the following questions:

    a) Please provide any additional information and any comment you may have on the above-mentioned allegations.

    b) Please provide information on the measures undertaken to search for, and establish the fate and whereabouts of, the persons disappeared in Manipur, especially in the context of the ethnic violence that erupted in May 2023.

    c) Please provide information on the measures undertaken to ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint – in the form of an FIR – to a competent and independent State authority. Please indicate how your Government ensures that enforced

disappearances are promptly, thoroughly and impartially investigated by the authorities even if there has been no formal complaint and, especially, if it has been impossible to register an FIR. Please indicate whether the National Human Rights Commission has taken up any of these cases, including by taking *suo moto* cognizance.

d) Please provide information on the measures undertaken by your Government to ensure that all those willing to lodge an FIR on cases of enforced disappearance – irrespective of whether such an FIR is registered or not –, as well as witnesses and, where applicable, those conducting the investigation, are protected against ill-treatment, intimidation or reprisals.

e) Please provide information on the applicable criminal legal framework to deal with allegations of enforced disappearance and clarify whether there are plans to codify enforced disappearance as an autonomous criminal offence.

f) Please provide information on the current status and the expected date of publication of the report of the Justice Ajai Lamba Commission established in June 2024, the measures envisaged to publicly disseminate the contents of such report, as well as on the process of selection and appointment of members of the Commission, and the existing guarantees to ensure their independence and impartiality.

g) Please inform on the measures undertaken to ensure that relatives of disappeared persons or witnesses who approached the Justice Ajai Lamba Commission are treated with full respect for their dignity, not subjected to stigmatization, and are adequately protected from threats, reprisals and harassment.

h) Please provide information on the measures undertaken by the Justice Ajai Lamba Commission to identify perpetrators of enforced disappearances and to promote their accountability through the registration of criminal cases.

i) Please clarify the criteria applied to classify as “disturbed” an area and to extend the application of the AFSPA. Please clarify what measures are in place to challenge the designation of a “disturbed area” and the legality of the extension of the application of the AFSPA. Moreover, please indicate whether there is any plan to review or repeal the AFSPA or to amend it to ensure its consistency with international law.

j) Please clarify what safeguards are in place to prevent the commission of arbitrary deprivations of liberty and enforced disappearances by security forces acting under the AFSPA. Relatedly, please provide also information on how your Government is complying with its obligations to prevent and investigate enforced disappearances, especially in the state of Manipur.

k) Please provide information on the guarantees in place to ensure that any person deprived of liberty is brought promptly before a judge or other officer authorized by law to exercise judicial power, and is authorized to communicate with, and be visited by, his or her family, counsel or any other person of his or her choice.

l) Please illustrate the measures in place to guarantee that any person with a legitimate interest, such as relatives of persons deprived of liberty, their representatives or their counsel, has access to information concerning, as a minimum, the whereabouts of the person deprived of liberty, elements relating to the state of health of the person deprived of liberty, and, in the event of death during deprivation of liberty, the circumstances and cause of death and the destination of the remains.

m) Please illustrate the measures undertaken by your Government to ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanctions.

26. The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-sessional report and on its website, where also any response received by your Excellency's Government will be made public.