

Proceedings of the sitting on 04/03/2010 of Hon'ble Member Shri Oris Syiem Myriaw with DGP, Manipur and Commissioner, Department of Home, Manipur

A list of officers present in the sitting is at Annexure.

ISSUE

Rape and molestation of 25 girls of Hamar community (ST) by ULFA and KCP in Churachandpur district, Manipur

BACKGROUND

A representation dated 14.08.2007 was received from the Human Rights Observer (Hindi Fortnightly), Delhi on the subject matter. The matter was taken up with the DGP, Manipur vide this Commission's letter of even number dated 11.04.2008 followed by reminders dated 09.06.2008, 29.07.2009 and 01.04.2009 but no report/response was received. The matter was discussed with the DGP, Manipur at Imphal during the visit of the Commission to the State of Manipur on 15.06.2009. It was intimated by DGP, Manipur that a Commission had been constituted to investigate into the reported incident and report was under the examination of the State Govt. Compensation has also been granted to the victims. It was assured that the factual position in the matter would be furnished to the Commission within a fortnight.

2. Subsequently, DGP, Govt. of Manipur vide letter dated 01.08.2009 informed that FIR in all the 25 cases had been registered and financial assistance of Rs.1 lakh to each of the rape victim(15) and Rs.50,000 to each of the victim of molestation(13) had also been provided. The accused are mainly of ULFA and KCP cadres and it is difficult to identify the culprits. However, efforts have been made to identify the culprits and their arrest by launching counter insurgency operations with the assistance of Army and Assam Rifles, but none of the culprits involved could be identified and arrested. These underground outfits do no longer maintain any of their camps in these areas and as per the intelligence inputs, they have shifted to Myanmar. In Jan, 2006, in a combined operation of Army and Assam Rifles, 9 UGs were killed and none of them could be identified and buried without identification. The possibility of accused persons of the rape cases being among those killed in the operation may not be ruled out. Since, 2006, 103 underground cadres including 44 of and 6 of KCP have been arrested in various cases. However, their involvement in the rape cases could not be established so far.

3. An analysis of the case has revealed that :

- The DGP, Govt. of Manipur didn't respond in the matter for more than a year even after repeated reminders (3) on such a sensitive issue.
- The report was furnished to the Commission only after the Commission raised the issue regarding abnormal delay in furnishing of the report with the State Govt. during its visit to the State to review the safeguards available to STs.
- Financial assistance was given to the victims after more than 2 years from the occurrence of the incident against stipulation of immediate payment after medical examination in such cases in accordance with the POA, Rules, 1995. .

4. In view of the position explained above, Shri Oris Syiem Myriaw, Hon'ble Member of the Commission has decided to discuss the subject with the Principal Secretary, Home and DGP, Manipur on 04.03.2010 at 1130 hrs in the Commission on the following:-

- i) Reasons for delay of more than a year in furnishing comments by the DGP, Govt. of Manipur to the Commission on a sensitive issue like mass rape and corrective measures taken by the State Govt. to avoid recurrence of such cases in future.
- ii) Reasons for delay in payment of compensation/ financial assistance (more than 2 years) to the victims against stipulation of immediate payment after medical examination in such cases in accordance with the POA, Rules, 1995 and corrective measures proposed by the State Govt.
- iii) Other rehabilitation and protection measures undertaken by the State Govt. for the victims and their families.

DISCUSSION

DGP, Manipur explained the point wise reply:

- i) It was intimated that a reply was sent by the Govt of Manipur dated 29.08.2008, intimating that an enquiry was set up in the matter and its report had been submitted on 31.05.2008. Due to communication gap, it could not be linked. DGP informed that IG (Human Rights) is the designated nodal officer in such cases, who should be contacted in future in such cases.
- ii) The village Lungthulian under P.S. Pabung of Churachandpur district is a remote village with difficult terrain to reach. It takes 2 days to reach the place from the capital Imphal. Some of victims had fled to other areas and were not available for enquiry, some were not ready to come to Imphal for enquiry and the most important reason was that an NGO filed a WP in the High Court of Guwahati against the enquiry, which was dismissed in

Jan.2008. The enquiry was conducted after that and report submitted thereafter on 31.05.2008.

- iii) After this incident, the Police Station in the area which was not functional, was made functional. Army and Assam Rifles entered the areas and conducted the march past. 32 new police stations were opened and 15 out of these were in hill areas. There was an agreement between the Govt. of Manipur and under-ground outfits like UNLF and KCP to stop their operations in the area so that peace is restored.

The Commission was also informed that there was one Tipaimukh Hydro-Electric power project also coming up in the area for the economic and social development of the area.

RECOMMENDATION

The Commission recommended that reference from the Commission should be addressed by the State Govt. at an appropriate level. Further, the State Govt. should pay greater attention for security of the weaker section of the society especially scheduled tribe women.

ANNEXURE

NCST

1. Shri Oris Syiem Myriaw, Hon'ble Member..... In Chair
2. Shri Aditya Mishra, Joint Secretary
3. Shri Vinod Aggarwal, Director

Govt. of Manipur

1. Shri Y. Joykumar Singh, DGP
2. Shri V. Mang, Commissioner, Department of Home