

REPORT OF THE VISIT TO MANIPUR STATE DURING DECEMBER,
2017

--SUDHIR KUMAR
Special Rapporteur, North East Zone-1

25/01/2018.

Dates-- 26th, 27th, 28th, 29th & 30th December, 2017

EXECUTIVE SUMMARY AND POLICY ISSUES

19427

A. TRAFFICKING.

1. MANIPUR is one of the hot-spots in so far as Trafficking of Women/ Girls is concerned, with the more educated and forward Kuki Tribe as the main target.

2. Because of facial similarity with the South East Asian populations, Manipuri girls are lured to the flesh trade markets of Thailand, Singapore & Myanmar

3. An almost open Border at Moreh during the day time facilitates movement of groups of girls from Manipur to Myanmar without any Passport checks etc..

4. Arrest of an organised group of traffickers by Churachandpur District, and chance recovery and return of a group of girls from Yangoon just before they could be moved to Thailand has demonstrated the need for closer monitoring of non-trading citizen groups' movements across the Moreh Border

5. Rehabilitation of such recovered girls remains an issue between the State's Social Welfare and Police Departments and the Civil Administration in general

B. ADOPTIONS

6. The existing policy for facilitating adoptions from Childrens' Homes under control of State's Social Welfare Deptt. under extant CARA guidelines is faulty

7. Central Govt. and CARA need to be sensitised to the fact that first preference for adoption of children from any State's Childrens' Homes ought to be given to adopting parents from within that State itself, rather than a random selection

8. Legal procedure for Court approved adoptions needs to be changed to provide for the concerned CDPO of the State's Social Welfare Deptt. to be made a necessary formal respondent party before the Court, so that adoptions being approved by the Court do not become sale of the orphaned children in disguise

9. Similarly, for NRI and Foreign adopting parents, apart from the certification of an

unseen and unheard of foreign Social Welfare Organization designated as their National Authorised Foreign Adoption Agency (AFAA) about the social standing and financial means of the adopting parents, some more verification before & upto a few years after the adoption needs to be devised & prescribed

10. Prospective adoptive parents, specially Foreigner parents, already having 2-3 naturally born children of their own, should be excluded from adopting further children from India, on account of suspicion of use as servants/child labourers

11. For adoptions within the country, the presently CARA prescribed minimum income requirement of the adopting parents at Rs 3 lakhs per annum/Rs 25000 per month is too low a limit, and it needs to be doubled, at the least, because most of the income certificates provided at the time of adoption are unreliable

C. OBSERVATION HOMES

12. The system of putting under-trial boys & girls in Observation Homes is under stress. The location of such Homes itself becomes an issue, as Police is prohibited by law from entering such Homes, and most safe residential localities shun the location of any such Homes in their proximity

13. Monetary (budget) allocations for such Homes are always based upon the actual occupancy of under-trial boys/girls and do not accept the reality of the officials manning these Homes, and cooking and serving the meals, as well as those supervising and residing in these Homes, also having their meals there only, resulting in an effective reduction in the quantum of nutritional food made available to the actual inmates when they are there.

D. PRISONS

14. Very strangely, there are separate provisions in the Assam Prisons Manual for the under-trial prisoners, and the convicted prisoners. And the facilities to be provided for the yet to be proven guilty under-trial prisoners are much below the level of facilities to be provided to the convicted prisoners!!!

15. As a result, since around 90% of the prisoners in the Sajiwa Central Jail are those still under-trial, and they do not have to be provided cots and beddings and work/entertainment, the Jails are totally filthy and un-hygienic hell-holes !!!

16. Even water is a luxury in Manipur's main Sajiwa Central Jail, and the 2 newly opened Jails No 7 & 8 do not even have any water inlet/tap/well/storage, and the 6 that have water inflow have very un-hygienic ways of storing and fetching water for the use of the inmates through storage in filthy cement ponds for drinking purposes, and absolutely filthy earthen pond water is used for other purposes in these 6 Jails.

17. Thankfully, families are permitted to bring and supply to their relatives prison inmates 5/20 litres' Mineral Water bottles for drinking purposes, which luxury is availed of by some of the more well to do prison inmates from within Imphal valley.

18. As per Assam Prison Manual no work can be assigned by Jail to the 90% under-trial prison inmates, and also no facilities for useful productive work like Computers, Carpentry, Blacksmithy etc. have been provided for the convict inmates, and even Televisions have also been ordered to be installed only very recently. As a result the Prison is turning even under-trials to become social out-castes & hardened criminals.

19. Manipur State has yet to adopt the recent Model Prison Manual which has been prescribed by the Central Govt., and no attempt has been made to change or improve anything in Prisons' functioning. ADGP Prisons has yet to even study the desirable changes, and prepare a note for consideration by Addl Chief Seretary- Home, and then the Chief Minister, who is also the Home Minister, and/or Cabinet of Ministers

20. Just one day before my visit, on the orders of Manipur High Court, the first (very small) LPG Gas Stove had been bought by the Prison for cooking the Prison inmates' meals, so far cooked by using wood, and delivered to the 8 Prisons in the only single Tractor, which is also used to carry Prisons' Garbage etc.. The system of sourcing the 17 essential diet items for the kitchen and their storage also left much to be improved

21. The Medical facilities at Sajiwa Central Jail are abysmal, inspite of 5 Doctors having been posted there now, for round the clock duties, compared to 2 just a year back. Bills of indented Medicines had not been paid since October 2015, forcing the Medical Shop to restrict supply of only essential medicines upto Rs 20000 per month

22. I was surprised to find prima facie evidence that the concerned Sajiwa Central Jail Doctor had been less than truthful in his detailed report to the Magisterial Enquiry in connection with the NHRC monitored custodial death of UTP (under-trial prisoner) Laishram Nanao Singh on 26.11.2014(NHRC case No 108/14/14/2014-JCD) and in his report regarding the death of UTP Vungginmang on 04.04.2017 in NHRC case No 12/14/14/2017-JCD/162 dt. 21.9.2017 DySP Inv. Divn. Group-II !!

REPORT OF THE VISIT TO MANIPUR STATE 26TH- 30TH DECEMBER 2017

Detailed programme of the visit and the list of places/institutions visited is annexed. I had reached Imphal from Kolkata on 26th December A/N, and had detailed discussions with the Addl. Chief Secretary Home regarding the recent incident of recovery and return of 8 Manipuri Kuki girls belonging to Churachandpur District from Yangoon, Myanmar; where they had been trafficked to by a local Gang, in an operation in which the Indian Embassy at Yangoon had also actively assisted. I went through the concerned File and papers(copies of some of the papers are enclosed), and the ACS arranged for my visit next day to Churachandpur District.

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On 27th Dec. I left Imphal very early to proceed to Churachandpur District, and first stop of my visit was the farthest institution-- Children Home for Girls, Mata village. After that visit I visited the Children Home for Boys, Mercy Society, run by an NGO chaired by an ex-Minister. Both these places were closer to the Manipur- Mizoram Border, and also close to the Camps of some Underground outfits operating in Hills of Manipur. This was followed by visit to an Adoption Agency, & visits to the SP's Office, Deputy Commissioner's Home Office, Police Station Lock-ups for men (at Town Police Station) and women (at Women's Police Station), both of which Police Stations had been attacked and partially damaged/burnt during the recent riots at Churachandpur. Last visit of the day was to Observation Home for Boys, and I could return to Imphal only late in the night.

On 28th I visited the Sajiwa Central Jail and Carmel Jyoti Childrens' Home for girls in the forenoon, and Punya Childrens' Home in and Observation Home for girls in Imphal West District in late afternoon and evening. Visit to 181 Women's Helpline at DC's Office Complex Imphal West District was also meaningful.

On 29th, some representatives of NGOs working in the field of Human Rights visited for detailed discussions. In the afternoon at the meeting with the Chief Secretary, when ACS Home and a few other Principal Secretaries, as well as the ADGP Prisons were present, I could give them some preliminary feedback about my visit, for the sake of immediate action.

On 30th morning a few Senior Officers of Home and Social Welfare Departments met me before I left for the Airport.

ADDITIONAL POINTS OF SUGGESTED ACTIONS FOR NHRC

1. The Supreme Court monitored investigations be. CBI into more than 1500 killings by Security Forces under the shelter of AFSPA are proceeding very slowly. Perhaps NHRC can mobilize its contacts with Civil Society Groups/ NGOs to assist in this task, and play a more active role.
2. Perhaps NHRC can further study the problems faced at the field level in adoptions of destitute/orphaned children by suggesting suitable procedural improvements to CARA based upon sound legal principles combined with ground realities in States.
3. Some States of India like Manipur are more prone to human trafficking, because of similarity of Mongoloid facial features and proximity to Thailand, Singapore etc. It should be possible for NHRC to conduct frequent Workshops and Seminars there on the ways and means to curb human trafficking, and generate local employment.
4. In Churachandpur Police Station Lock-up I met a man apprehended for having manufactured (very good quality) small fire-arms. Apparently there are many more

Handwritten signature/initials

such people. I suggested to the SP and the DC that they could perhaps pursue licensing of small fire arms manufacturing Industrial units at monitored Industrial Estates of the State Govt., so that, apart from employment generation, the creative abilities of such persons could be utilized by the society in a productive and regulated manner for the State's economy.

5. I did not like the fact that a large number of adoptions from the State's Childrens' Homes were by the foreigners, with little or no monitoring of the condition of the adopted children thereafter. In fact I found 2 foreigner couples at the Adption Home at Churachandpur, which is a disturbed area District, and I was surprised at the risk undertaken by those foreigners, at least one couple out of which already had a child.

6. NGOs/Civil Society Organizations of Manipur have a grouse that NHRC does not respond timely to their complaints. The NGO "Women Action for Development" had handed me some complaints, which are enclosed for necessary action, or for being formally referred to me for being enquired into during my next visit to Manipur.

7. A few Orders of the District Judge, Imphal, in Misc. Civil Applications (Adoption) cases are enclosed to show the mechanical manner such stereotyped orders are passed and some adoptive parents return abroad in a week (!!) with the District Judge pronouncing his orders in 4 days of filing of such Adoption Application cases!! I have never seen such quick disposal of cases by the Indian judicial system !!

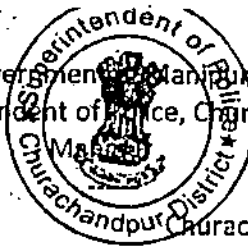
8. The 181 Women Helpline is a good initiative, presently in its infancy, and must be pursued in order to make it effective and an element of change in the society.



SUDHIR KUMAR 25/01/2018.
Special Rapporteur North East Zone-1

Enclosures:-

1. Detailed Tour Programme
2. Details of Trafficked girls
3. Request to NHRC of Women Action for Development to hear 8 cases
4. -----do-----regarding the case of M. Sobita Devi herself
5. Two contradictory Death Reports regarding death of UTP Vungginmang
6. Details of the unpaid pending Bills of Medicines indented by Sijwa Jail
7. Orders passed by District Judge Imphal in MCA(Adoption)Nos.1, 2 and 5/2017



OFFICE OF THE DGP
P.H.O., Manipur, Imphal

123
19/9/17

Office of the Superintendent of Police, Churachandpur District

Receipt No. 2743
Date 11/9/17

No.C-9/1(H/T)/SP-CCP/2017/2209

Churachandpur, the 10th September, 2017

To,

The Director General of Police,
Manipur, Imphal

Office of ADGP (INT)
Receipt No. 2833
Date 12-9-17
TC: 11.00 am

309
HLC

Subject: Human Trafficking.

Reference: FIR No. 8(9)2017 WPS-CCP u/s 370(3)(4)/373/34 IPC & 5(A) & (D),
Immoral Trafficking (P) Act.1956.

Sir,

In continuation of this office Letter of even No. Dated 9/9/2017, I am to forward the identification proof of the 8(eight) trafficked girls to aid in the rescue operations. The names, parent's name as well as village of some of the victims are corrected as per the official documents available because the particulars of these victims which were collected/received yesterday were done verbally and through text message due to its urgency.

Sl No.	Particulars	D.O.B	Identification proof.
1	Miss. Chingngaihlan d/o Th. Khamchihlian of Simveng, Churachandpur, Manipur. Pin 795128	11/04/1991	Aadhar Card of victim.
2	Miss. Mary Nianghounuam d/o Khenzapau of Teisaljeng village, Churachandpur Sub-Division, Churachandpur, Manipur. Pin 795128.	01/06/2000	Aadhar Card of victim.
3	Miss. Lam Mercy d/o Thangkhotong and Mrs Hoithienvak of HQ Belam Veng, Churachandpur. Pin 7955128.	06/11/2004	Aadhar Card of victim. And Aadhar Card of mother.
4	Miss. Chiinlungaih d/o M. Tuanzapau of Suangdoh village, Singhat Sub-Division, Churachandpur, Manipur. Pin 795139.	28/10/1997	Aadhar Card of victim.
5	Miss. Nianghoinuam (d/o Mangmuanthang of Zoumunnuam Village, Churachandpur Sub-division, Churachandpur, Manipur. Pin 795128.	14/10/2000	Aadhar Card of victim.
6	Miss. Vunghoikim (18) yrs d/o Chinkhanhau of Teisaljeng Village, Churachandpur Sub-Division, Churachandpur, Manipur. Pin 795128.	27/03/1999	Aadhar Card of victim.
7	Miss. Nengneithem d/o Liantungnung of Singheu Village, Churachandpur Sub-Division, Churachandpur, Manipur. Pin 795128.	25/11/2002	Aadhar Card of victim.
8	Miss. Hoineineng d/o Paolenmang of Monglenphai village, Churachandpur Sub-Division, Manipur. Pin 795128.	14/03/2000	Aadhar Card of victim.

Submitted for kind perusal and further necessary action.

Handwritten signatures and initials: Modhuchand, DGP, 12/09/17

Yours faithfully,

RAKESH BALWAL, IPS
Superintendent of Police
Churachandpur District, Manipur.

DIG/CO/CP

Encl: As stated above.

Memo No.C-9/1(H/T)/SP-CCP/2017/

Churachandpur, the 10th September, 2017

Copy to :


1. The Adl. Chief Secretary (Home), Manipur.
2. The Adl. Director General of Police (I.O), Manipur.

National Human Rights Commission
Director (A) Unit

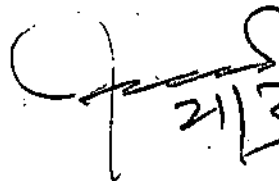
Date: 21th March, 2018

Please find enclosed applications received from Women Action For Development, Palace Compound (West) Imphal which were attached with the report of Shri Sudhir Kumar, Special Rapporteur NHRC on his visit to Manipur State during December 2017.

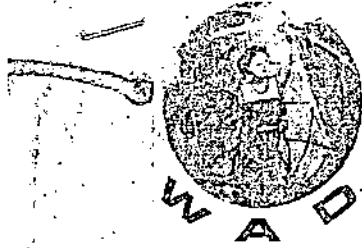
We may send the applications (in original) to the Law Division for further necessary action at their end.


21/3/2018

~~Director (A)~~
SR (Law)


21/3

21/3/18



WOMEN ACTION FOR DEVELOPMENT

PALACE COMPOUND (WEST)
IMPHAL 795 001, MANIPUR STATE (INDIA)
Phone : +91-385-2460004
Mobile : +91-8974035523
E-mail : wad.imphal2011@gmail.com
wad_imphal03@rediffmail.com

To,

29th December 2017

The Special Rapporteur Zone - I

The National Human Right Commission

New Delhi

Subject: Humble request to consider a Special Camp in Imphal for hearing of the cases of Violence against women in Manipur.

Dear Sir,

Please find a list of 8 cases for your kind reference. However, WAD has 42 cases which are documented by WAD. All the victims of such cases are still accompanying by our team in terms of counseling, small support to survive, education of their children, health etc. for the last 5 to 10 years. WAD will submit the other cases of VAW later through e-mail to you for your kind necessary action. Police has many challenges at the time of investigations, filing FIR etc. from the perpetrators, powerful people etc.

In this regards, WAD need the support of NHRC to organize the hearing of cases specially related to VAW once in years to activate the activities of police.

Further, WAD also request to you to kindly consider the cases of Extrajudicial Execution which are not included in the first phase of the investigation by organizing camp hear.

WAD also collecting the cases of sexual violence and other cases of extrajudicial execution which were not documented for our further engagement.

WAD also would like to express our deep concern in terms of initiating Transitional Justice for reparation, rehabilitation, reconciliation etc for the long term peace building and protection of human right.

Looking forward for your kind response.

Yours Sincerely,

(M. Sobita Devi), Secretary, WAD

List of the Victims

Sl. No.	Particular of the Victim	Date of complaint	NHRC Diary no.	FIR no.
1.	Laishram Surmila 10 years D/O L. Amuthoi of Chandolpokpi Turel Khongpal in Bishnupur District, Manipur	29 January 2014	No response	FIR no. 2(1)2014 Kumbi PS U/S 302/34 IPC
2.	Lourembam Ranjita Devi (40) w/o L. Loken of Yairipok Khoirom in Thoubal District	26 August 2014	No response	FIR no. 72(8)2014 u/s 302 IPC
3.	Wahengbam Sapana 15 years d/o W. Sanahal of Pourabi Makha Leikai in Imphal East District		77199	FIR no. 116(5) 2016 IPS u/s 366/368 IPC
4.	Ms. Khaidem Manjuri 38 years d/o late Kh. Nupamacha Singh of Sagolband Mooirang Leirak Imphal West	1 July 2016	112691/CR/ 2016	
5.	Ms. Chanda and Dharmender (wife and husband) of Moreh Ward no 3 in Tengnoupal District Manipur	7 November 2016	No response	
6.	Hijam Irabanta 38 years s/o (L) H. Hera Singh of Andro, Imphal - East	4 January 2017	104298	GD entry no. 345/CSD- PS Dated 28/10/2015
7.	Arambam Shanti (49 years) w/o A. Ibohi (50 years) of Moreh Ward no. 4 in Tengnoupal District	08/08/2017	124064/CR/20 17	FIR 25(5) 2017 u/s 302/34 ipc and 25(c-1) Armed Act
8.	Miss Nengneingah Khongsai (16 years) d/o Lettang Khongsai of Thingphal Village in Tengnoupal District	08/08/2017	No response	36(7)2017 Moreh PS u/s 302/400 IPC and 25 (C-1) Armed Act