

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 24/07/2017

Case No. 52/14/1/2010-AD

To

14/08/2017

TEJANG CHAKMA, COMPLAINTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI,
WEST DELHI, DELHI.

Sir/Madam,

With reference to your complaint dated 13/08/2010. I am directed to say that the matter was considered by the Commission on 26/05/2017. The Commission has made the following directions.

By its proceedings dated 09.11.2016 the Commission had recommended to the Government of Manipur to pay an amount of Rs. 2 lakhs to the next of kin of the deceased Nawrem Modhu and Rs. 1 lakh to the injured Baoram Bungochandra Singh.

Pursuant to the directions of the Commission, Deputy Secretary (Home) Govt, of Manipur vide communication dated 03.05.2017 has forwarded a copy of the receipt regarding payment of Rs. Rs. 2 lakhs to the next of kin of the deceased Nawrem Modhu and Rs. 1lakh to the injured Baoram Bungochandra Singh.

In view of compliance of recommendation of the Commission, the case is closed

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)

CC :-

National Human Rights Commission

New Delhi, India

Case Details of File Number: 52/14/1/2010-AD

Diary Number 106582
 Name of the Complainant TEJANG CHAKMA, COMPLAINTS COORDINATOR
 Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI, DELHI
 Name of the Victim NAOREM MADHU SINGH S/O N. MANGOLJAO
 Address R/O KUMBI KUJU MANTABI LEIKAI, PS- KUMBI, BISHNUPUR, MANIPUR
 Place of Incident KHOIJUMANTABI BISHNUPUR, MANIPUR
 Date of Incident 8/11/2010

The Complaints Coordinator, National Campaign for Prevention of Torture, New Delhi on 13.8.2010 alleged that one Naorem Madhu Singh, aged 26 years was picked up by a combined team of 12 Madras Regiment at Saikot Post in Churachandpur District and Manipur Police Commandos on 11.8.2010. He allegedly died in the custody of Madras Regiment on 12.8.2010. The complainant has sought intervention of the Commission. The Commission on 25.2.2011 observed and ordered: "Issue notice to Secretary, Defence, Union of India, New Delhi and DM/SSP Bishnupur District, Manipur for detailed report on the incident, the Inquest Report, Post Mortem Report, Magisterial Enquiry Report, Viscera Report and Report on final cause of death within eight weeks." Pursuant to the directions of the Commission, Addl. Secretary(Home), Government of Manipur vide communication dated 5.4.2011 forwarded the copy of police report in which it is mentioned that Lt. Roshni Kanta of 12-Madras Regiment, Sangaikot Post received information about the presence of KYKL cadres and arms dealer at Khoijumnatabi, a combined team of his unit and CDO Bishnupur District, Manipur rushed to the area and apprehended one KYKL suspect Naorem Bungochandra Singh @ Rakesh, aged 26 years and Naorem Modhu Singh @ Bikram, aged 25 years at 00:45 hours on 12.8.2010. Naorem Modhu Singh @ Bikram was an arms supplier to the militants. He collapsed when the process for handing them over to PS KUMBI. Immediately, he was shifted to the Unit Hospital of 33 AR. On reaching the hospital, the doctor declared Naorem Modhu Singh @ Bikram dead. Addl. Secretary(Home), Government of Manipur, in his report, submitted that although the Post Mortem Report states the immediate cause of death as cardiac arrest/natural death, the fact remains that the unfortunate victim has died while in custody. He has enclosed copy of FIR, Inquest Report and Post Mortem Report. On 14th July 2011, Addl. Secretary(Home), Government of Manipur forwarded the copy of MER conducted by District Magistrate, Bishnupur District, Manipur who after recording the statements of witnesses concluded that although the Post Mortem Report states the immediate cause of death as cardiac arrest/natural death, the fact remains that the victim has died while in custody and there has been a psychological impact even in the absence of physical aspect for which the respondents are directly or indirectly responsible and liable. However, in the absence of an established law for such occurrences, the obvious inference is award of reasonable compensation to the next of kins of the deceased (The victim's family claimed compensation of Rs. 2 lakhs). Under Secretary to the Government of India, Ministry of Defence on 20th October 2011 also submitted report and concluded that the security forces acted in the interest of the State for safeguarding law and order and preserved peaceful environment as per powers vested by the Central Government under the Armed Forces Special Power Act, 1958 (AFSPA, 1958), they discharged their duties in a professional manner. In view of the above, the joint operation launched by the combined team of 12-Madras Regiment and Manipur Police Commandos on 11.8.2010 in Village Khoijumantabi was well within the confines of AFSPA, 1958. Further, there were no human rights violation by the security forces during the conduct of the search operation. Along with this report, copy of writ petition filed by Smt. Naorem Ongbi Bilashini Devi, mother of Naorem Modhu Singh @ Bikram and Naorem Mangoljao Singh against the Union of India and others in which they have demanded compensation of Rs. 15,35,000/-. Since it is a case of death of Naorem Modhu Singh @ Bikram in joint action of army and police, place this file before DB-I.

action issued by the Commission

S/S
09/05/14

Action Taken

Additional Information Called for (Dated 2/22/2012)

Status on 3/1/2013

Response from concerned authority is awaited

Note: For further details kindly contact National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in

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