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The Manipur Human Rights Commission in a Permanent State of Exception

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Abstract: *This article undertakes a critical examination of the Manipur Human Rights Commission (MHRC) as a fragile yet normatively significant institution operating within India's conflict-governance framework. It argues that Manipur's enduring "state of exception" is not produced by the absence of law, but by its systematic reconfiguration through exceptional legal regimes. Central among these are the Armed Forces (Special Powers) Act, 1958, the statutory limitations imposed by the Protection of Human Rights Act, 1993, and the prior-sanction requirement now recodified as Section 218 of the Bharatiya Nagarik Suraksha Sanhita. Together, these frameworks embed extraordinary powers within ordinary legality and structurally defer accountability for state violence.*

Drawing on doctrinal analysis, institutional history, and close engagement with the MHRC's quasi-judicial practice, the article demonstrates how the Commission has intervened in emblematic sites of human rights violations. These include extrajudicial executions, custodial deaths, arbitrary detention, gendered violence, and the mass civilian harms associated with the 2023 ethnic conflict. Although the MHRC lacks coercive authority and has suffered prolonged periods of institutional dormancy, it performs a form of "thin" accountability with substantial constitutional consequences. Through its inquiries, recommendations, and institutional records, the Commission fosters procedural transparency, maintains judicial scrutiny, and preserves legal memory in the face of denial and systematic erasure.

Conceptually, the MHRC is theorized as both a "poor man's court" and a juridical archive. The article concludes by identifying institutional continuity, financial autonomy, and enforceable compliance duties as indispensable to restoring the operative meaning of rights in exceptional legal spaces.

Keywords: *Manipur Human Rights Commission (MHRC), State of Exception, Institutional Impunity, AFSPA 1958, Quasi-Judicial Accountability, Juridical Memory.*

1. INTRODUCTION

Protracted armed conflict poses one of the most enduring challenges to the normative aspirations of constitutionalism and human rights law. In such settings, legality is not suspended outright but reconstituted through exceptional regimes that authorize coercive state power while systematically deferring accountability. Manipur exemplifies this condition of normalized legal exception. For more than four decades, the state has been governed through overlapping frameworks of militarization, counterinsurgency, and emergency legality. This governance structure has produced a persistent pattern of extrajudicial executions, custodial deaths, enforced disappearances, torture, and large-scale civilian displacement. These violations have unfolded within a legal order that formally affirms fundamental rights yet structurally disables their enforcement, revealing a deep disjunction between normative commitment and institutional practice

This article critically examines the role of the Manipur Human Rights Commission (MHRC) within this architecture of impunity. Constituted under the Protection of Human Rights Act, 1993, the MHRC operates in a jurisdiction profoundly shaped by the Armed Forces (Special Powers) Act, 1958, and further constrained by procedural immunity regimes, most notably Section 218 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Together, these legal mechanisms embed extraordinary powers within ordinary criminal procedure. They transform accountability from a juridical obligation into an executive discretion. Within such a framework, human rights institutions are often dismissed as normatively aspirational but practically ineffectual. This article challenges that assumption.

Through a close examination of the MHRC's quasi-judicial practice, institutional trajectory, and documentary interventions, the article advances a central claim that despite its structural constraints and lack of coercive authority, the MHRC performs legally and politically significant functions. These functions complicate dominant narratives of total impunity. The Commission has intervened in cases of alleged extrajudicial killings, custodial deaths, sexual violence, and mass ethnic conflict. In doing so, the Commission has generated authoritative records, issued reasoned recommendations, and preserved institutional memory in contexts otherwise marked by denial and erasure.

Situating the MHRC within contemporary scholarship on the "state of exception" and counter-hegemonic legality, this article reframes the MHRC's institutional role. The Commission is not merely an auxiliary grievance-redress forum, but functions as a fragile juridical institution that mediates between constitutional norms and militarized governance. The MHRC's enduring significance lies not in its capacity to deliver immediate justice, but in its ability to preserve the language, memory, and normative force of rights in a political landscape structured to deny them.

2. Manipur as an Exceptional Legal Space

Classical accounts of the "state of exception" identify sovereignty with the authority to decide when normal legality can be suspended (Schmitt, 2005). Contemporary scholarship has substantially reworked this idea, showing that modern democracies rarely suspend the law entirely. Instead, they create permanent emergency architectures, embedding extraordinary powers within ordinary legal frameworks (Agamben, 2005; Gross & Ní Aoláin, 2006).

Agamben's insight is particularly salient. The state of exception increasingly appears as a "threshold" where law is neither fully present nor fully absent. Rights exist, but remedies do not; legality persists, but accountability is deferred. This produces what has been described as "legal grey zones," in which violence is governed but not constrained.

A defining feature of normalized exceptionalism is the proliferation of accountability shields. These include immunity provisions, sanction requirements, jurisdictional exclusions, and procedural delays that make the investigation and prosecution of state violence structurally difficult. Such mechanisms do not deny the wrongfulness of abuse; they defer responsibility indefinitely.

Manipur's governance landscape reflects these dynamics with particular intensity. For over four decades, the state has been designated a "disturbed area," enabling the application of AFSPA 1958. The Act confers extraordinary powers on armed forces personnel, including the authority to use lethal force on suspicion, conduct searches without a warrant, and arrest without judicial oversight. Most critically, AFSPA requires prior central government sanction for the prosecution of armed forces personnel, a permission that is rarely granted.

This immunity architecture is compounded by limitations within the Protection of Human Rights Act (PHRA), 1993. Section 19 of the Act restricts the powers of human rights commissions in cases involving the armed forces, requiring them to seek reports from the central government rather than conduct independent investigations. The result is a diffusion of responsibility and a dilution of oversight.

More recently, the recodification of prior-sanction protections through BNSS Section 218 (formerly CrPC Section 197) perpetuates this pattern. By shielding public servants from prosecution for acts purportedly connected to "official duty," the provision reproduces the logic of exception within ordinary criminal procedure. Together, these regimes ensure that accountability for state violence in Manipur is not absent but structurally obstructed.

3. Legal Mandate and Institutional Trajectory

The emergence of human rights as a central concern of international law is inseparable from the moral and institutional rupture produced by the atrocities of the Second World War. The Holocaust, in particular, exposed the catastrophic consequences of unrestrained sovereign power and the fragility of civilian protection in the absence of enforceable

international norms. This crisis of global governance catalyzed the establishment of the United Nations in 1945, conceived not merely as an organization for maintaining international peace and security, but as a normative project grounded in the protection of human dignity. The interdependence between peace and human rights was articulated with particular clarity in the Universal Declaration of Human Rights (UDHR), adopted in 1948, which laid the foundational architecture for the modern international human rights regime. The UDHR affirmed that lasting peace is inconceivable without respect for fundamental rights and freedoms, a principle that continues to animate contemporary human rights discourse.

The United Nations' commitment to human rights was progressively institutionalized through the creation of specialized bodies entrusted with norm-setting, monitoring, and enforcement. The establishment of the UN Commission on Human Rights in 1946 marked an early effort to operationalize the UDHR's aspirational principles. This institutional framework was further strengthened through the creation of the Office of the High Commissioner for Human Rights and, in 2006, the replacement of the UN Commission with the Human Rights Council, reflecting an attempt to enhance credibility, accountability, and responsiveness within the UN human rights system (Upadhyaya, 2018). These bodies play a critical role in supervising state compliance with international human rights obligations, particularly in contexts marked by armed conflict, internal disturbance, and systematic violence.

The consolidation of international human rights law was significantly strengthened by the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights in 1966, both of which entered into force in 1976. Together with the Universal Declaration of Human Rights, these instruments constitute the International Bill of Human Rights. The covenants impose legally binding obligations on states to respect, protect, and fulfill a broad spectrum of rights, obligations that continue to apply during armed conflict and public emergencies. This treaty framework is complemented by institutional actors such as the International Committee of the Red Cross and UN Special Rapporteurs, whose mandates include documentation, advocacy, and sustained engagement with states to promote accountability and remedial action in conflict-affected contexts.

A particularly significant development within the UN system has been the recognition of National Human Rights Institutions as essential domestic interlocutors in the realization of international human rights norms. The Paris Principles, adopted in 1991 and subsequently endorsed by the Vienna Declaration and Programme of Action in 1993, establish the normative framework governing the composition, mandate, and functioning of NHRIs. These principles emphasize independence, pluralism, adequate powers of investigation, and a broad promotional and educational mandate, thereby positioning NHRIs as bridges between international human rights law and local realities (Pramod, 2024). The UN's insistence on strengthening NHRIs underscores their importance in ensuring state accountability, providing remedies to victims, and fostering a culture of human rights awareness, particularly in societies affected by conflict. In practice, NHRIs often collaborate with civil society organizations and international bodies to enhance civilian protection in volatile political environments.

Within India, this international normative framework is mediated through constitutional, statutory, and judicial mechanisms. The Indian Constitution provides a clear juridical pathway for the domestic incorporation of international obligations through Article 253, which empowers Parliament to enact legislation to give effect to international treaties and conventions. This constitutional provision has enabled India to align its domestic legal framework with international human rights standards. Judicial interpretation has also played a crucial role in harmonizing constitutional rights with international norms. Indian courts have repeatedly drawn upon international human rights instruments, particularly the ICCPR and the ICESCR, to inform the content and scope of fundamental rights and to strengthen the doctrine of state accountability.

The enactment of the Protection of Human Rights Act, 1993, represents a significant institutional milestone in India's human rights architecture. The Act established the National Human Rights Commission and State Human Rights Commissions with mandates to promote and protect human rights across civil, political, economic, social, and cultural domains. The NHRC, in particular, functions as a national oversight body empowered to investigate violations, review safeguards, and recommend corrective measures. Complementing this framework is the statutory provision for Human Rights Courts under Section 30 of the Act, which are intended to provide accessible and expeditious remedies for violations arising from abuse of public power, including unlawful detention, police excesses, and violations occurring in conflict situations. Notwithstanding these institutional mechanisms, persistent challenges remain in regions affected by prolonged militarization and internal conflict, especially in North East India, where the effective realization of human rights continues to be constrained.

At the sub-national level, State Human Rights Commissions assume particular importance in responding to localized patterns of abuse. In Manipur, a state marked by decades of insurgency, ethnic tension, and militarized governance, the Manipur Human Rights Commission occupies a critical position within the state's human rights framework. Established in 1998 under the Protection of Human Rights Act, 1993, the MHRC emerged from sustained advocacy by political and civil society groups, culminating in a private member's resolution adopted by the Manipur Legislative Assembly in 1995. This initiative, led by figures such as R.K. Ranbir, Jatra, and Prof. Gangmumei Kamei, reflected a growing recognition of the need for a dedicated institutional mechanism to address widespread human rights violations in the state (Laba, n.d.).

Despite its normative promise, the MHRC's institutional trajectory has been marked by recurrent disruptions. Periods of non-functionality, notably between 2003 and 2005 due to the absence of leadership, and again between 2010 and 2018, have significantly undermined its effectiveness. The most recent lapse, which occurred following the conclusion of its fourth term in 2024, has taken place amid renewed ethnic conflict, further underscoring the fragility of human rights institutions in politically volatile contexts. These interruptions reflect deeper structural challenges in institutionalizing human rights protection in Manipur, where political instability and administrative inertia have repeatedly compromised the Commission's continuity.

Nevertheless, the MHRC's statutory mandate remains expansive and normatively significant. Vested with the powers of a civil court, the Commission is authorized to inquire into complaints, summon witnesses, conduct investigations, and recommend remedial action. It may also intervene in judicial proceedings with requisite approval, enabling it to engage directly with ongoing cases involving human rights violations. Beyond its quasi-adjudicatory role, the MHRC is tasked with conducting research, reviewing existing safeguards, and promoting human rights education, positioning it as both a reactive and preventive institution. In a conflict-affected state such as Manipur, this dual mandate is particularly critical, as it enables the Commission to address individual violations while also engaging with the structural conditions that facilitate recurrent abuse.

Despite persistent institutional challenges, the MHRC remains an indispensable component of Manipur's human rights landscape. Its authority to investigate, recommend, educate, and collaborate situates it at the intersection of constitutional guarantees and international human rights obligations. In this capacity, the MHRC contributes to the broader project of safeguarding life, liberty, and dignity in Manipur, reinforcing the normative promise of human rights even in contexts marked by prolonged conflict and political uncertainty.

4. Quasi-Judicial Practice

In the conflict-saturated and militarized governance environment of Manipur, the Manipur Human Rights Commission (MHRC) has functioned as a fragile yet indispensable accountability institution. Operating without coercive enforcement powers and within the legal shadow of the Armed Forces (Special Powers) Act, 1958 (AFSPA), the Commission has nonetheless intervened in domains characterized by persistent violence and structural impunity. Its quasi-judicial practice has focused primarily on allegations of extrajudicial executions, custodial deaths, arbitrary detention, torture, and civilian harm during episodes of ethnic conflict. These are precisely the sites where exceptional legal regimes tend to normalize state violence and erode the practical content of constitutional and international human rights guarantees.

Through inquiries, suo motu actions, recommendations, and public reporting, the Commission has resisted the normalization of violence and reaffirmed the indispensability of rights-based oversight in exceptional legal regimes.

I. Investigating Extrajudicial Executions and Custodial Deaths

One of the MHRC's most consequential interventions has been its engagement with cases of alleged extrajudicial executions and custodial deaths, particularly those involving state and central security forces operating under the rubric of counterinsurgency. In Manipur, such deaths are frequently framed as unavoidable consequences of security operations, insulated from scrutiny by AFSPA and procedural immunity regimes, including Section 218 of BNSS. Against this backdrop, the MHRC has operated as a thin but essential accountability apparatus.

The Commission's suo motu intervention in the Tonsem Lamkhai killings in 2000 remains emblematic. Following media reports that ten civilians had been killed in an ambush after an attack on a Central Reserve Police Force (CRPF) patrol team, the MHRC initiated an inquiry, visited the site, and urged the National Human Rights Commission (NHRC) to

intervene. This intervention precipitated the registration of a First Information Report (FIR), and subsequent investigations identified CRPF personnel responsible for the killings (MHRC, 2000). Although ultimate criminal accountability remained contested, the case illustrates the MHRC's capacity to disrupt impunity by converting journalistic allegations into institutional inquiry. In environments governed by exceptional legal regimes, such procedural triggers are themselves a form of accountability.

Custodial deaths represent an even starker violation of the right to life, implicating direct state responsibility. The MHRC has repeatedly insisted on procedural compliance in such cases, drawing authority from Article 21 of the Indian Constitution and the state's international obligations under Article 6 of the ICCPR. The custodial deaths of Ma Mynint and Mukhai, two Myanmar nationals who died in 2021 while detained at a temporary detention centre in New Lamka, Churachandpur district, illustrate this approach. Acting on the Commission's directions, the Manipur government submitted a Magisterial Enquiry Report and a medical report. The MHRC subsequently sought updates on compliance with Supreme Court guidelines governing custodial deaths, thereby extending its oversight beyond fact-finding to post-inquiry accountability (MHRC, 2022).

Similarly, the Commission has intervened in several high-profile custodial death cases that expose systemic deficiencies in policing and detention practices. The death of Reishang Shinglai in 2004, shortly after his arrest and detention at Litan Police Station in Ukhrul district, prompted widespread allegations of custodial torture. While the police submitted a preliminary report, the MHRC insisted on a final and comprehensive inquiry, refusing to treat the matter as administratively closed (The Sangai Express, 2004). More recently, the deaths of Chingkhanlian in 2022 and Thangboi Lhouvum in 2020 raised similar concerns regarding procedural lapses, delayed investigations, and the absence of independent oversight (MHRC, 2021).

These interventions are normatively significant. International human rights law imposes a positive obligation on states to conduct prompt, independent, and effective investigations into potentially unlawful deaths. By demanding FIRs, magisterial inquiries, post-mortem reports, and compliance updates, the MHRC operationalizes this procedural obligation within a system otherwise hostile to transparency (Amnesty International, 2013). The Commission's role thus lies not in delivering final justice, but in preventing premature closure and institutional amnesia.

The importance of this documentary and procedural labour was judicially recognized in *Extra Judicial Execution Victim Families Association (EEVFAM) v. Union of India* (2016). The Supreme Court relied, inter alia, on materials and records produced by the MHRC to establish the existence of a long-standing pattern of extrajudicial killings in Manipur. This recognition marked a critical jurisprudential moment. It affirmed that sustained documentation by local human rights institutions can acquire evidentiary and normative value within constitutional adjudication, thereby linking quasi-judicial practice to higher-order judicial accountability.

II. Addressing Arbitrary Detention, Torture, and Gendered Violence

Beyond lethal violence, the MHRC has addressed patterns of arbitrary detention and custodial abuse that accompany counterinsurgency operations. These violations are frequently facilitated by emergency laws such as AFSPA and preventive detention statutes like the National Security Act (NSA). Decades of documentation by international and domestic human rights organizations have demonstrated how such legal regimes enable arbitrary arrests, incommunicado detention, and torture (Human Rights Watch, 2008).

Within this context, the MHRC has served as an accessible forum for civilians subjected to unlawful detention and abuse. The Commission has taken cognizance of complaints involving denial of legal counsel, absence of arrest memos, prolonged detention without judicial oversight, and physical and psychological torture. While it lacks the authority to invalidate security legislation, its interventions have often resulted in medical examinations, administrative explanations, and, in some cases, remedial directions. Equally important, the Commission's records have provided the factual basis for habeas corpus petitions, public interest litigation, and advocacy campaigns (NHRC, 2012).

The arbitrary arrest of Nongmaithem Flora Devi in 2020 illustrates this function. Arrested without an arrest memo by Bishnupur police, Flora Devi's detention violated well-established procedural safeguards under Indian criminal law. The MHRC's intervention, which ultimately found no involvement of the accused in the alleged offence, underscored the Commission's role in monitoring police compliance with constitutional and statutory norms (MHRC, 2021). In a context where unlawful detention often goes unchallenged, such interventions provide a rare avenue of redress and affirm the normative centrality of personal liberty.

The MHRC's engagement with cases of torture and sexual violence committed by security forces further underscores its importance. A particularly egregious case investigated in 2019 involved the sexual assault of a woman by Assam Rifles personnel during a body search in Khudengthabi, Tengnoupal district. The allegations included forced nudity and photographic abuse. Acting on a complaint filed by Women Action for Development (WAD), the MHRC demanded immediate relief and a thorough investigation (MHRC, 2021).

This case implicates core principles of international humanitarian law and international human rights law. The Geneva Conventions and customary international law categorically prohibit torture, cruel treatment, and sexual violence against civilians in non-international armed conflicts. By insisting on investigation and accountability, the MHRC reaffirmed that security imperatives do not displace humanitarian norms. In a legal environment where due process is routinely subordinated to national security, the Commission's intervention functioned as a critical point of resistance against the normalization of gendered violence (Singh, 2007).

III. Relief and Protection During Ethnic Conflict

The MHRC's quasi-judicial practice has also extended beyond individual violations to episodes of mass civilian harm during ethnic conflict. During the 2023 violence between Kuki and Meitei communities, which resulted in widespread killings, displacement, and destruction of property, the Commission emerged as one of the few institutional actors to publicly acknowledge civilian suffering. It issued notices to the Manipur government highlighting violations arising from the collapse of law and order and the failure to protect vulnerable populations (The Hindu, 2023).

Under the leadership of its Chairman, Justice U.B. Saha, the Commission visited conflict-affected districts across both hill and valley regions. It recommended the recovery of looted arms and ammunition from police armouries and urged measures to protect internally displaced persons (The Print, 2023). With over 58,000 people housed in 351 relief camps, many of them children and the elderly, the MHRC emphasized the state's obligation to provide food, sanitation, medical care, and dignified living conditions (The Economic Times, 2023).

These interventions resonate with international humanitarian law principles governing the protection of civilians and the provision of humanitarian assistance during internal conflict. Although the MHRC's recommendations are advisory, their normative significance lies in institutional acknowledgment. They compel the state to reckon with civilian narratives that might otherwise be erased by security-centric discourse (Baruah, 2024). Through press statements and formal recommendations, the Commission has sought to reframe political debate on constitutional responsibility and humanitarian obligation.

In a region where militarization and ethnic division intersect, the MHRC's role during communal crises represents a modest but meaningful effort to re-anchor governance in rule-of-law principles. The MHRC's quasi-judicial practice demonstrates how human rights institutions retain juridical relevance even within entrenched exceptional legal regimes. By documenting abuses, initiating procedural safeguards, and sustaining institutional memory, the Commission performs forms of accountability that are thin yet indispensable. In a state where violence is routinely justified through security narratives, the MHRC's insistence on rights, procedure, and dignity constitutes an enduring challenge to impunity.

5. "Poor Man's Court" and Juridical Archive

The normative and strategic importance of the MHRC in conflict – ridden area such as Manipur cannot be understated, despite numerous constraints. Drawing on Balakrishnan Rajagopal's conception of "counter-hegemonic legality," the MHRC illustrates how even structurally weak institutions can contest dominant state narratives and reassert the normative force of rights (Rajagopal, 2003). In a governance environment dominated by national security imperatives, constitutional and humanitarian concerns are routinely subordinated. Against this backdrop, the MHRC operates as a fragile but persistent counter-institution, emphasizing the legal rights of victims.

Despite its limited enforceability, the MHRC has earned the moniker of the "poor man's court" for its role in providing an accessible forum for marginalized populations. In a context where formal legal channels are often either inaccessible or compromised by political interests, the MHRC represents one of the few institutions offering redress for victims of human rights violations. Its function as a forum for those who otherwise lack recourse to justice speaks to its importance in the lives of many citizens who suffer from the effects of conflict. The Commission thus occupies a space between the

formal legal system and the harsh realities of a militarized state. Its symbolic value in offering a platform for grievances continues to provide a degree of relief, albeit limited.

Empirical accounts from within the Commission underscore the depth of this legitimacy. A former MHRC member observed that the Commission's approachability and responsiveness earned it the popular designation of a "poor man's court." The symbolic gestures of gratitude recounted by a former member are jurisprudentially significant. In one instance, following a landmark decision delivered by MHRC in a rape case, the victim offered a plastic bag filled with eggs and a bottle of milk as a token of appreciation (Laba, personal communication, October 5, 2024). These gestures were modest in material terms, yet they conveyed profound trust and institutional legitimacy. These examples clearly illustrate that the MHRC serves the poor. This marks a significant shift of locus of accountability from legal mechanisms to a quasi-legal human rights institution.

Beyond individual grievance redressal, the MHRC has sought to engage with the structural roots of violence. One of its most significant recommendations has been the proposal to establish a "Peace and Reconciliation Commission." The proposed body was envisaged as a forum for dialogue among state actors, insurgent groups, and affected communities (MHRC, 2022). This recommendation reflects a nuanced understanding of Manipur's conflict. The violence is not merely the outcome of failed policing or military inadequacy. It is rooted in deep-seated political, ethnic, and historical grievances.

Perhaps the MHRC's most enduring contribution lies in its function as a juridical archive and custodian of institutional memory. In conflict-affected regions, violence is often accompanied by silence, denial, and erasure. The MHRC counters this tendency by documenting, preserving, and publicizing accounts of human rights violations through annual reports, notices, case files, press releases, and recommendations. This archival labour acquires heightened significance in light of statutory immunities such as Section 218 of the Bharatiya Nagarik Suraksha Sanhita (formerly Section 197 of CrPC), which systematically obstruct criminal accountability. Even when recommendations are ignored, the act of documentation itself resists erasure and affirms the dignity of victims.

The Commission's role in the aftermath of *EEVFAM v. Union of India* (2016) illustrates this archival function. By recording testimonies, collecting affidavits, and maintaining detailed case files on alleged extrajudicial killings, the MHRC contributed to an institutional record that countered sovereign silence. Although its findings lacked binding force, they operated as a form of institutional truth-telling, providing evidentiary scaffolding for judicial scrutiny and future accountability. This mirrors what Slyomovics (2005) describes as "juridico-symbolic redress," where the primary value lies in recognition and memory rather than immediate reparation.

In this dual capacity, as a quasi-judicial forum and a memorial institution, the MHRC performs a role that transcends its procedural limitations. It provides continuous legal acknowledgment in a landscape marked by denial and normalization of violence. As McEvoy and McGregor (2008) argue, such institutions enable civil society and victim groups to challenge state monopolies over narrative and legality. In Manipur, where state structures are frequently implicated in violence, the MHRC's symbolic and political significance is substantial. By preserving institutional memory, recognizing victim suffering, and sustaining the normative language of rights, the Commission helps ensure that atrocities are neither erased from the public record nor normalized through silence.

6. Institutional and Legal Constraints

The operational constraints of the Manipur Human Rights Commission (MHRC) are deeply embedded in what has been aptly described as India's enduring architecture of impunity (Amnesty International, 2013). This architecture is legally fortified by statutory provisions such as the Armed Forces (Special Powers) Act, 1958 (AFSPA), and procedural shields like Section 197 of the Code of Criminal Procedure (CrPC), now recodified as Section 218 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. These legal mechanisms make the prosecution of security personnel for human rights violations virtually impossible without prior sanction from the central or state government, a sanction that is rarely, if ever, granted.

This legal insulation has allowed gross human rights violations, including extrajudicial executions, enforced disappearances, torture, and arbitrary detention, to occur with near-total impunity in Manipur for decades. Even when the MHRC has made pointed recommendations following public outcry or complaint, these have typically remained advisory and unenforceable, revealing the limits of institutional redress in the face of militarized governance.

These limitations are further reinforced by the statutory design of the Protection of Human Rights Act, 1993 (PHRA), under which the MHRC is constituted. Section 19 of the Act expressly restricts the jurisdiction of both the National Human Rights Commission (NHRC) and State Human Rights Commissions over the armed forces. It bars these bodies from independently investigating allegations against military personnel, permitting only the calling of reports from the central government and the issuance of recommendations on that basis. This framework effectively removes military conduct from civilian oversight and places the evaluation of alleged violations under the executive's control.

Human rights organizations have consistently criticized this arrangement for creating a structural accountability vacuum. In regions such as Manipur, where the military has been deeply involved in internal security operations for decades, the exclusion of armed forces from independent scrutiny is particularly troubling. Numerous documented cases of extrajudicial killings, disappearances, and torture demonstrate the dangers of placing military actors beyond the reach of civilian human rights institutions. The presumption that internal military mechanisms can ensure accountability has repeatedly proven illusory.

International human rights bodies have echoed these concerns. In its 1997 concluding observations, the UN Human Rights Committee expressed regret that Section 19 of the PHRA prevented the NHRC from directly investigating complaints against the armed forces. The Committee recommended the removal of these restrictions and urged that the Commission be empowered to investigate all allegations of human rights violations by state agents. It also expressed concern over India's continued reliance on exceptional security legislation such as AFSPA, the Public Safety Act, and the National Security Act in areas declared "disturbed." The Committee observed that Indian armed forces had committed serious violations of Articles 6, 7, 9, and 14 of the ICCPR, relating to the right to life, freedom from torture, personal liberty, and fair trial guarantees (Centre for Social Development Imphal & Conflict & Human Rights Studies Network, 2013).

In addition to statutory barriers, the MHRC has been weakened by chronic institutional neglect. Prolonged periods of non-functionality have resulted from leadership vacancies, inadequate staffing, limited financial resources, and bureaucratic inertia. These deficits have substantially reduced the Commission's capacity to operate as a consistent oversight body. In a conflict environment, where timely intervention is often essential to preserve evidence and protect victims, institutional dormancy functions as a temporal form of impunity.

The MHRC's dependence on state cooperation for enforcement further exacerbates its vulnerability. In Manipur, where both state and central authorities are frequently implicated in alleged violations, reliance on executive goodwill compromises institutional autonomy. Even where the Commission identifies serious wrongdoing, its ability to translate findings into consequences remains limited. The result is a paradoxical institutional position: a statutory body mandated to safeguard life and dignity, yet structurally constrained from confronting the most powerful violators of those rights.

Despite these formidable constraints, the MHRC has adopted pragmatic strategies to address abuses involving military and paramilitary forces. Lacking authority to directly investigate or prosecute armed forces personnel, the Commission has registered reference cases and forwarded them to the NHRC. Through this indirect route, it has sought to insert local violations into the national human rights discourse.

Two landmark cases illustrate this strategy. The first concerns the disappearance of Md. Tayeb Ali, a civilian arrested by the 17 Assam Rifles in Kairang, Imphal, in 1995. Acting on a complaint, the MHRC directed the police to investigate the disappearance and record witness statements. In the course of this inquiry, the Commission highlighted contradictions in the Assam Rifles' accounts of Ali's arrest and detention. Relying substantially on the MHRC's findings, the NHRC subsequently held the Assam Rifles responsible for the disappearance and awarded Rs. 3 lakhs as interim relief to Ali's family. Although the MHRC could not itself impose liability, its investigative groundwork proved decisive in securing recognition and compensation. A second case arose from firing by the Central Reserve Police Force (CRPF) in Churachandpur following an insurgent attack. The MHRC conducted an on-site inquiry, documented the incident, and forwarded its report, along with contemporaneous media coverage, to the NHRC. Based on this material, the NHRC awarded compensation to the victims' families (Laba, n.d.).

These cases demonstrate both the potential and the limits of the MHRC's intervention. They show that even within a restrictive legal framework, the Commission can facilitate partial accountability through documentation, referral, and persistence.

The institutional and legal constraints confronting the MHRC reveal a deeper structural pathology within India's conflict governance framework. Within this architecture, the MHRC operates as a constrained but not inconsequential institution. Its interventions illuminate the fault lines of exceptional legality and preserve the possibility of accountability, even when justice remains deferred.

7. Conclusion

The Manipur Human Rights Commission occupies a paradoxical position within India's conflict-governance landscape. It is structurally constrained, periodically incapacitated by institutional dormancy, and deprived of coercive enforcement authority. Yet it remains normatively indispensable. In a jurisdiction governed through overlapping regimes of legal exceptionalism, most notably AFSPA and procedural immunities under BNSS Section 218, the ordinary pathways of criminal accountability are not merely weakened. They are systematically deferred. Against this backdrop, the MHRC's significance cannot be measured by enforcement outcomes alone. Its importance lies in its capacity to sustain legality under conditions designed to hollow it out.

This article has demonstrated that the MHRC's interventions constitute a form of institutionally mediated accountability that is procedurally modest but normatively dense. Through inquiries, suo motu actions, recommendations, and referrals, the Commission has intervened in emblematic sites of violence where the law is most fragile: extrajudicial executions, custodial deaths, gendered violence, arbitrary detention, and mass civilian harm during ethnic conflict. While these interventions rarely culminate in prosecution or punishment, they generate juridical visibility. They prevent institutional amnesia. They preserve evidentiary records that can later be mobilized by courts, civil society, and victims' groups.

More fundamentally, the MHRC performs an institutional role that is simultaneously symbolic and strategic within Manipur's exceptional legal order. It functions both as a "poor man's court," offering accessible forums for grievance articulation, and as a juridical archive that preserves records of violations otherwise vulnerable to erasure. Strengthening the MHRC, therefore, cannot be reduced to questions of administrative efficiency or managerial reform. Rather, it constitutes a constitutional imperative grounded in the state's duty to give concrete and effective meaning to fundamental rights. Institutional continuity, financial autonomy, and the creation of meaningful and enforceable compliance mechanisms are indispensable if human rights law is to retain normative authority in contexts structured by exceptional legality.

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