

Interview with Rakesh, HRLN, Manipur

Persons Present: Mr. Rakesh, Ms. Darshana Mitra, Mr. Santanu

DM : Darshana Mitra

DM: Sir if you could tell us a bit about how you got into law and human rights lawyering?

Mr. Rakesh: During my college days, I was involved in consumers' movement. It was the early 90's. While facing with the full fledged lawyers in the consumers courts in district forums and state commissions, I came across certain difficulties facing them. Thereafter I thought I should pursue this law so that I could face these lawyers. Thereafter I got admission, and then while I was in the law college, I became involved in this consumer movement but there was a gradual change in my mind that you should comprehensively work for the cause of human rights. Since during those days, there were several instances of human rights violations by the state and this conflict within state.

Then after I got my law degree I came across this Babloo Loitongbam (1:54), and then I joined Babloo's organisation Human Rights Alert on a voluntary basis, I simply extend my service to them. During those days we normally document these instance of human rights violation like killing of innocent individual in fake encounter and so & so. At the same time we also use law court as a means, as a tool to redress the grievances specifically the victim's family. And while doing so, since Babloo the founder and director of the organization Human Rights Law Network. Thereafter in November 2003 HRLN, Manipur in which I joined, actually it was through Babloo. During that time the organization Human Rights Alert has no support financially from any other source that is why we could not initiate the activities towards our satisfaction since we have to do it on voluntary basis we couldn't penetrate it effectively. After joining HRLN activity almost same during those days, but we do the thing differently since we can reach out to the large part of the Manipur. Now come to the our activities we normally work for the people who have been victimized. Mostly we deal with those cases of encounter, enforced disappearances, extra judiciary executions and torture. At the same time we also work for the women rights issues like domestic violence. Actually after enactment of this Domestic Violence Act, the state government failed to implement it by appointing the protection officers and this service providers etc. Then we moved to the HC by way of filing a PIL, an year after the passing of this act and then the first case under Domestic Violence Act was filed by our organization. And also at the same time we organized awareness programs at village level, at the same time we also organize workshops and seminar consultation from time to time on the prime issues. At the same time since almost all the welfare schemes and program taken up by the state government at the expenses of the central government were mainly spooning of these benefits to some individuals like those elected members of PRI's (Panchayati Raj Institutions) say for example NREGA now renamed as MGNREGA. So in Manipur there are hundreds of those workers, even though they exist only in

paper no where in Manipur. But the wages to be given to the actual worker who works for under this Act, every (7:44) the name of that worker. You know to curtail such malpractices we file a number of criminal complaints against various gram panchayats. Due to our intervention a number of Panchayat members, pradhans who were defeated in the last election. We exposed their legal things. At the same time I don't know we find it oddly, actually in Manipur almost we can say almost all welfare schemes are not implemented in its true sense and in its true spirit. Say for example IAY. You have come across IAY? Yes?(To Interviewers)

DR and Shantanu : Yes.

Mr. Rakesh: In that poor people they have to provided this grant for construction of new houses as well as upgradation of their houses but the beneficiary is to be selected by the panchayat after holding a gram Sabha as to hear this oppressions and all. But all this things all happen only in paper. So they put fictitious name as beneficiary. At the same time they put names of those persons who dint know whether their names have been entered as a beneficiary or not. So we filed a number of RTI applications then we collect those information and we approach those names appearing in this list and then we ascertain that their entitlement having been taken away by those PRI members. Then we filed writ petition to the authority concerned but the actually this taken away by the pradhan after having a what you call nexus with the district administration. That is why they can collect all this money easily without any hindrance. So District administration failed to take action on the basis of (10:59). Then we approached the HC. At our intervention that the HC the those benefits have been given to the beneficiary. And ultimately due to our intervention now some district started issuing cheque (account payee cheque) in the name of those beneficiary. Before that they simply released the money to the panchayat in the form of this cash. Right now in some panchayat they stop this illegal things but still landlord's malpractice is going on. At the same time say under this public distribution system the bpl card holders, ration card holders are supposed to get 35 kg of rice at a scale fixed by the government, but in Manipur a bpl card holder hardly gets 15-20 kg of rice instead of 35 that too at an exuberant price. Actually its fixed at the 6.20 rs per kg. But the bpl card holder are compelled to pay rs 8 per kg. At the same time the central government has directed the state govt to distribute kerosene at the rate of 5 litres per household per ration card holders but they usually issue permits in the name of those sub dealers at the rate of 4 litres per ration card holder. Ultimately those authorized these sub dealers instead of 4 litres they distribute it at the rate of 2 litres to 3 and the actually in almost all sanction orders lifting orders issued by the central government there is a specific instruction that this oil is meant for public distribution system and it should not be diverted to any thing, in uniform but the state government has adopted policy that 5000 litres of kerosene per month, they have distributed it to MLA, we have over 60 MLAs. So every MLA now has been getting 5000 litres per month .

DM: 5000 litres per month?

Mr. Rakesh: Yes. Whether they use to drink it instead of water bottle (laughing)

Pause

Shantanu: Sir, just to go back sir ,you said that you involve with consumer movement initially which got you into law. Was it a personal case that you were battling or?

Mr. Rakesh: Ya. During that time, we there was an association known as Consumer Guidance Society (15: 20). I was the secretary. So we 4 men being an association, a consumer association we can represent the consumer and got to consumer court. Even though we were not lawyer we can represent.

DM: Sir why did you get involved with the consumer forum anyway?

Mr. Rakesh: Oh. Yeah. I say during my school days we usually pen you say use to buy the household item from the library isn't it? So say when I purchase a shop, a button shop like this Rs. 5.20 (inclusive upon taxes) but the shop keeper used to sell at 7 or 6:50 like that. So I started after some sort of what you call some curiosity in my mind. But why they put these things, But inspite of putting these things the shop keeper used to sell at excess amount but during that time we don't have any mechanism how to react or to all these things. But gradually it was in the year 1986, during AK Antony was the Consumer Affairs Minister holding the post of Consumer Affairs. Under the Consumer Protection Act, the consumer forum setup, and thereafter we started opposing to the forum (17:34) and thereafter apart from filing compliant for charging excessive price we started approaching the consumer court for in a spug of deficiency in service like wholesale service say for example, during those days say we used to suppose postal stamp of Rs. 1 for originally letter. But in respect of the speed post we have to paste Rs.30. You know the what, the speed is 30 times speedier than the original one isn't it? (Laughs) But you know I say I sent a parcel to Kolkata, it's supposed to reach on the third day? Couldn't go there. Issued booklet called Standa.performace or something like that by speedpost. So it was supposed to reach its destination within 3 days. But it usually takes more than 1 week. So we started filing complaint against this postal services claiming that it should be speedier by 30 times than originally one, then how can it be? (Laughs)

And then say these LPG gas distributors used to establish extension point. Actually a particular distributor at a particular district but he opened an extension point another district. And he started charging more price than what we were supposed to receive from the district claming that since the extension point we are authorized to take more. They claim that. Then we started fighting against this malpractice. Then during that time our contention is that since his main centre (20:30) but the entire LPG cylinders is come along this side, that you know what the notice the highway so he can drop his cutoff for this extra extension point while coming. Instead of taking it to this main centre, and then back to that particular point. So this what you call it takes no loss at all. Isn't it? So we challenge it and ultimately the court directed that the discharging of excessive price the more price than the original one is an unacceptable one. And the consumer court acts to refund the entire team and to stop such practice. At the same time during those days,

there are instances of the local made jam, jellies but the number of cottage industries or small scale industries to manufacture all these things without any what you call stringent norms, so say they would pack inside plastic packet and in unhygienic manner , so ultimately within few days it produce some sort of foul smell so we fight for that also in consumer court saying that they have to follow the certain rules, and prescribed norms given by the packaged commodity rules, what are the things to be written.

DM: Sir, this consumer cases you fought, when you were in college?

Mr. Rakesh : Yeah.

D.M: So how did you go about doing it? Did you make representations yourself before the Consumer Forum?

Mr. Rakesh: Yeah. I had to actually. What? I cant get you.

D.M: I mean did you yourself appear before the consumer court?

Mr. Rakesh: Yeah. I myself. I have to manage with the college timing as well as this.

Shantanu: So did you meet Babloo Sir in college itself? That is after law college?

Mr. Rakesh: No, no, no, no! Babloo was born and brought up in a well to be family. But I myself was born in a (23:30) lot of difference.

DM : So, sir you eventually got involved with human rights a lot with in Babloo sir's organization and then you started taking up after you said after you studied law, you just started taking up cases of extra-judicial encounters and torture. So can you give us an example of such cases?

Mr. Rakesh: Oh, these....

D.M: Yes sir.

Mr. Rakesh: Yeah. That means the cases...

D.M : Which you have fought?

Mr.Rakesh: There is one instance, wherein one Muslim guy. He was pickup by some personnel under Assam Rifles in (24:18) while he was rebelling on a Lunamupe for attending since he was a salesman, located at (24 :34). And then the incident was incidentally witnessed by some of his locality, while travelling in a passenger jeep, on a particular road. And then the those passengers, also happen to witness that after picking him up he was taken inside the gate during the time to the battalion headquarter of Full Assam Rifle.(25:14) And then there were passengers telling they were informed to the family of the individual and then the younger brother of that guy inquired about the whereabouts of his brother, to that Assam Rifles with the help of one local

policeman but he can't get a favorable answer and then he approached the local MLA, then local police etc but it was of no help. Ultimately the wife of the Muslim individual also approached the Manipur Human Rights Commission during that time, then Manipur Human Rights Commission directed the then IGP to enquire into the matter and submit a report. Then IGP recorded the statements of those witnesses the passengers who were actually witnessed the picking up of the guy Ali. And then thereafter the IGP has wrote a letter to the Assam Rifles Authority enquiring as to whether they had actually pick up Ali on that particular date or not. Then they replies that no we dint. We did not arrest any person of name Ali. Thereafter the IGP he could not ascertain whether Ali was actually picked up Assam Rifle or not, in view of the getting a denial from the Assam Rifles. Then after getting all these things, I approached the High Court, by way of filing a writ of habeous corpus and then the high court directed the sessions judge to enquire into the matter and submit its report. Then after enquiring into the incident, the sessions court filed a report saying that yes Ali was actually picked up by the police, Assam Rifles Personnel. In the mean time the Manipur Human Rights Commission, has transferred this case to the National Human Rights Commission by observing that this matter involved the armed forces of the union which given the authority of the Human Rights Commission. Then NHRC taken up that matter and thereafter they asked for a report from the Ministry of Defence as well as the Assam Rifles. Fortunately the Ministry of Defense has submitted its report by saying that yes, Jahab Ali was killed in an encounter. Even though the Assam Rifles stationed at Manipur has said that no, we did not arrest Ali, but the ministry of defence submitted the report that yes Jahab Ali was killed in an encounter, at a particular day. (laughs) Due to difference of their version they failed. And thereafter the NHRC has awarded Rs. 2 lacs as interim compensation. In the given time, our HC has directed the CBI to investigate into the matter and submit the chargesheet. Thereafter CBI investigated into the matter and submitted its chargesheet against 6 officers of Indian army. I mean those officers of Assam Rifles army on the petition, including one Manipur police personnel. They submitted a charge sheet in the year 2010, August. However the ministry appears to fail to issue the prosecution sanction which is required under APASPA, Section 6. Section 6 of APASPA prohibits the prosecution of member of armed forces of the union without prosecution warrant, to be issued by ministry. In this regard I had filed an RTI to the ministry to give the reason as to why they fail to issue the prosecution sanction. They had given a reply by saying that yes in this regard since the accused person belongs to the ministry of defence. So they had written to the ministry of defence to give their comments 100 times but ministry of defence failed to reply. So due to one of their reply they fail to issue the prosecution sanction. They replied like this.

Shantanu : The case happened..?

Mr. Rakesh: Case was happened in the year 25 July 1999.

Shantanu: Now even in 2010 the prosecution sanction is not given.

Mr. Rakesh: No the charge sheet is still in district judicial magistrate court

DM: And has the compensation reached the victims?

Mr. Rakesh: Yes. Yes.

Shantanu: Are there such other kind of cases similar to the facts? Same type of cases?

Mr. Rakesh: Yeah. Yeah. Involuntary disappearances. Another cases wherein that case two individual was picked up Indian army. Whereas one was released, the others whereabouts are not known till date. We approached the HC. Then HC set up an enquiry. In that case also the report said that yes he was picked up. In this case the HC has awarded 3.5 lacs as compensation.

DM: But did you seek prosecution in that case?

Mr. Rakesh: No. I prayed for prosecution but that was rejected asking me file a separate writ petition for that. (laughs) It depends upon the mentality of the presiding judge. But in respect of this Ali the judgment was passed by the Chief Justice. Since we don't have our own HC the bench of the Guwahati HC. Normally the CJ visits on a (33:06) basis. Fortunately one day my case was listed and CJ asked for a prosecution but the junior judges think they might have some issues, I think so. And thereafter there is one incident the gang rape of village woman, merit woman by Indian army during bombing operation. It was happened while I was in college, not in law college while I was graduating. There was a huge cry and there after the army has initiated general court martial and punish those personals. They were two personnel involved in the crime. These personnel were put behind bar for 10 years, in that case. But no compensation. Since it was prosecuted by court martial, the court set up by army. And then after during this (34:40), one fine morning I came across a news report about that unfortunate lady in a local newspaper, that putting the on display the suffering faced by this woman, all these years. On that particular day, I thought that I should go, I should visit her house and have an interview, with that lady. Then I went there, and had a interview that victim, and thereafter I decided that I should approach the HC by filing a writ petition for compensation. Then I filed a writ petition claiming compensation. Then while the matter was pending there was a Supreme Court judgment wherein the Kolkata HC has awarded Rs. 10 lacs as compensation to a Bangladeshi lady, who was gangraped by employees of Kolkata Railways at Howrah railway station.

DM (to Shantanu): What was the name of the case ?

Mr Rakesh: With the help of that judgment I approached during the hearing I placed that judgment Chandrima Das. Chandrima Das was a lawyer in the HC. She filed a PIL on behalf of that victim and the Kolkata HC has awarded 10 lacs as compensation but the railway authority refused it and preferred an appeal before the SC and SC rejected their appeal. But you see the mindset of the judge, even though in a foreigner the SC and the HC awarded Rs 10 lac but our citizen the HC to pay 2 lacs as compensation.

Shantanu: Sir, when you passed out of law, and joined Babloo HRA, did you start practicing then or did you start practicing much later?

Mr Rakesh: No, Babloo and myself..it was 1997.

Shantanu: Were you practicing then sir? In high court?

Mr. Rakesh: No. There was a story actually about how I come across Babloo. Actually..I had already told you Babloo was born in a well to be family. So it is a common practice in Manipur that those well- to-do family they used to send children outside Manipur for getting better education. So he was outside Manipur for longtime. But I still here. During those days after getting this LLB degree we can't register ourselves as an advocate with the bar council during those days. There is a rule that we have to undergo one year training under a senior of 15 years practice. So during that time, everyday I was supposed to go the court almost every court and record the proceeding in a diary. We call it court diary. And another diary is called chamber diary, wherein I have to record the briefs I am supposed to go through in the chamber and thereafter every fortnight my senior is supposed to put his signature and at the end of the year he used to send the chamber diary or the court diary to the bar council. If they are satisfied they will issue the enrollment certificate. If they are not satisfied they will ask me to undergo further six months of training. Yes during those days after getting the law degree from Delhi University, Babloo had joined a Human Rights Organization formed by Ravi Nair, you know Ravi Nair

DM: Yes.

Shantanu: South Asean Human Rights Documentation Centre?

Mr. Rakesh: Yeah, SAHRDC, he joined something under Ravi Nair. He applied for it. And at the end of the year he was supposed to furnish this two diaries, but he always confined Delhi as well as Geneva, New York, so he dint get time to fill up this diaries. So he had actually asked one of his close friends to maintain all these things in a proper way, so that he could see it and copy everything. (laughs). For that purpose one day he came to sessions court and he was introduced to me by a friend. And even though I come across the name Babloo in newspaper, Mr. Babloo advocate represented so and so be in HRC Geneva, there are number of such reports, I did not come across him but during those days personally I wanted Babloo to be senior one not junior one. (laughs), when my friend introduced Mr. Babloo, I was like Mr. Babloo who has represented HRC in Geneva and come in news paper most of the times, he said yes. I actually expressed what I thought earlier. And then thereafter we exchanged our thoughts everything and gradually I came to this line.

Shantanu: Sir, the kind of cases you were documenting at that time, sir?

Mr. Rakesh: Oh..It was that fake encounter.

Shantanu : This was the 90's, the late 90's.

Mr. Rakesh: Yeah.

Shantanu: Sir also you were practicing in the court under your senior?

Mr. Rakesh: Yes. Those days.

Shantanu: Sir, what kind of cases you were dealing with?

Mr. Rakesh: Those days it was hard time, actually in chamber we had to read 100s of cses of different issues, like revenue matter, criminal dispute, then civil matter, property, titles etc. But my mind is always issues relating to human rights violations. So even though I have to follow what my senior asked to do. I could not execute a thing passionately because I was not interested in those things. At the same time, being a obedient lawyer, where to represent our client even though I was convinced that the client has committed a wrong. So it did not give me the what you call pleasure of being an advocate. I have been compelled to do all those illegal things. So after joining this organization, I started doing only the thing which I wanted to do.

Shantanu: So the first kind of cases you did, when you were in HRLN?

Mr. Rakesh: No I can't say it, but I can say it the first case I filed just after joining this organization HRLN was that Ali.

DM: See, you have been practicing human rights for a while now. What are some of the main problems, that you have faced or challenges?

Mr. Rakesh: Challenges, there are number of challenges which I have faced. Actually first most of the magistrates, the judicial magistrates, they are not what you call.....just wanted to use suitable terms...they are not well conversant with the issues of human rights. They simply confine to the provision of Cr.P.C and I.P.C. Yeah they have to confine themselves to these provisions but they have to interpret it so that they could accommodate the new issues which are emerging. Say for example, across to the particular police station by lodging a complaint, the police station is supposed to register an FIR, pertaining to a cognizable offence or not, it has to register an FIR. Isn't it? So say if an officer is asked to receive my complaint (Phone Rings)

Where was I?

Shantanu: You were talking about magistrates.

DM: Especially in the new circumstances.

Mr. Rakesh: Yeah. So that is I say police is refusing to look into the matter, for example say I approach the magistrate for filing a complaint, so instead of taking cognizance he refers it to the police under Sec 156(c) Cr.P.C, then as directed by the magistrate the police are supposed to register an FIR isn't?

DM and Shantanu : Yes. Hmm

Mr. Rakesh: Instead of registering an FIR they started saying over the matter quite for a time, when I approached to the magistrate again, they said yes, you have already directed the officers to investigate into the matter, but the officers failed to do so, So please called a report from the officers, then magistrate will definitely ask me, under what provision of law, magistrate authorized to call a report in this regard, just show me the act, there is no provision on Cr.P.C. But say in General Clauses Act, say if someone is authorized to a particular thing, then that particular individual is supposed to have the authority to do all the thing, so is to as if the authority given to him. Isn't it? So in other words he is supposed to ask the question as to why he failed to register an FIR. Furnish the reason as to why you failed to file an FIR? Or something like that? But... Then in a case of extra judicial execution, in the case of a fake encounter, I have to convince the High Court Judge, that Mr..... was picked up from this particular area and he was killed on this road, in a manner described by the encounter party. But according to the post mortem report, almost all the entrance wound were from back side, something like that or there is a tattooing mark in the injury saying that there is a closedness, since we come across a tattooing or blackening of that entrance wound, it shows that it is a shooting was close, closedness means 2 to 2.5 inch, within that range, that particular victim was killed. So you know to convince the High Court we required post mortem report, but when I approached to the police station for obtaining the post mortem report they were willing to say that no we cant supply it since , during investigation almost all the papers pertaining to the investigation cant be disclosed to any unauthorized person. So I cant supply a copy of the postmortem report. Then I approached the magistrate. By way of submitting an application to forecalling the postmortem report, as well as inquest report, from the concerned police station. Then the magistrate will definitely ask under what provision of law can I call? But say Cr.P.C provision of 157 Cr.P.C , there is a provision when it is a mandatory duty of the concerned police station to furnish a report of registering an FIR saying that on so and so date I registered a particular case after the getting a source of information along with the supporting document, they have to furnish it to the magistrate the local magistrate. So by expanding this provision little bit we can call the entire reports for satisfy himself and then he can furnish a copy to us also isn't it? But most of the magistrates, refuse to exercise this provision but ultimately since I required a postmortem report, without postmortem report, it would be very much difficult for me to convince the High Court also. So I have to manage to obtain it, from backdoor. If it is not possible for me to from normal door, I have to get it from backdoor.

DM: Sir, how did you obtain it from backdoor?

Mr. Rakesh: By paying grease to those lower level employees or staffs of this hospitals who conduct postmortem examination. (Laughs)

Shantanu: Sir in torture cases where it is crucial for such kind of evidence to prove wounds or something?

Mr. Rakesh: Whenever the say police produce an accused persons to before a court, magistrate is supposed to see whether the accused, as in the health condition of the accused is supposed to be examined by the magistrate as to whether he has been tortured to ascertain as to he has been tortured by the police for ascertaining the information or anything. So at the same time there is a specific orders passed in D.K. Basu case also.

Shantanu: The guidelines.

Mr. Rakesh: Yeah. The guidelines. But in Manipur in spite of witnessing the injuries marks, of the accused person they fail to record what he had seen in the proceeding, in the orders, they are duty bound to record everything of what he had seen, what he had, the accused disclosed. But they fail to do so. At the same time they fail to comply with the D.K. Basu case guideline. Ultimately they approach the HC by way of filing Public Interest Litigation, asking for affecting enforcement of the D.K. Basu guideline as well as there is a provision in D.K. basu guidelines saying that the board of doctors to be nominated by the health department so that only this authorized doctors is supposed to see the health condition of the accused person detained in the police lockups, for every 48 hours, not by other unauthorized doctor, only the panel doctor, so there is no list of panel doctor in Manipur. So ultimately the HC directed the state to constitute a panel of doctor, ultimately they should form a panel of doctor and the HC had asked to distribute that judgment to across all the judicial magistrate across the north east India, since HC of Guwahati is high court of sevens states.

Shantanu: This was which year sir? The PIL was filed?

Mr. Rakesh: I think it was 2005.

Shantanu: So thereafter has there been any kind of police, have you seen police..?

Mr. Rakesh: Yeah. No.No. Thereafter the mind set of magistrates is hopeless. They simply put the one sentence. After putting all those things, I am satisfied with the prayer made by the I.O, accordingly the accused person is remanded in the police custody, for 5 days..so and so..Thereafter they will put a sentence. I.O is that took an examination of the accused person by doctor. Something like that. They simply put that sentence. And subsequent projection. While the accused person was produced subsequently they never check it as to whether the he is their direction as to comply with or not. They never ask the I.O as to whether as the accused person are examined by the panel of doctor or not. Put this question. And in sometimes such things happen in the heart of the city but in the outside city area, in the remote areas, say according to this Cr.P.C as well as our Constitution the accused person has to almost all the accused person is supposed to produce before the magistrate within 24 hours isn't it? But in the.....

Pause

Shatanu: Sir I was about to ask a question on torture, torture cases.

Mr. Rakesh: I had the disclosure that the magistrate failed to record the torture marks.

Shantanu: And they just put that sentence. Even that this is kind of checked or examined by the...

Mr. Rakesh: Yeah. Yeah. And in the remote areas most of the time they fail to honor the reactions, or the provisions contained in Constitution that the 24 hours. Say I raised this issue in one of the case and magistrate reply like this. Mr. Rakesh, since remote area then sometime police also face a lot of difficulties while bringing the accused person before a court. During this 24 hours, that is why we have to see it a little bit of something, something.... (Laughs)

Shantanu: Just because it is remote areas...

How is the civil court in terms of compensation? How are they being responsive?

Mr. Rakesh: But I never used this civil court, for claiming compensation.

Shantanu: Directly High Court.

Mr. Rakesh: Yeah. It will take 100 years . I don't know. It may be possible during my lifetime also. (Laughs) Actually. For example, while I was school days, there was a indiscriminate firing by CRPF personnel towards the spectators who have been witnessing a volleyball tournament, at the outskirts of the Imphal area. In that incident CRPF personnel kill large number of individuals, who have been witnessing the volleyball incident. In that case, it was my school days. Those few lawyers had filed a civil suit claiming compensation but the same is still lingering before the civil court. (Laughs)

Shantanu: They did not go to the high court or the civil courts clearly...

DM: Sir because your work often brings you conflict with the state, have you ever faced any danger, any threats?

Mr. Rakesh: Why not? Say in one instance, wherein there was a combined operation at the Thanga Area. This Thanga is situated on the lake called Loktak lake. This is the largest fresh water lake in north east India. From that lake the National Hydrological Corporation generate electricity. So beside that lake there is a village called Thanga. In that village there was one night a combined operation, consisting of personnel of BSF as well as State Police. And as a part of this combined operation they pick up 18 individuals for verification. Even though almost all men were collapse, using (01:01:59), using twisted rope in the local market area and those personnel they bought what you call Jerome, what you call individuals with covering faces and almost all the (01:02:27) so that it could identify as to whether who are the, so in that identification they pick up 18 individuals for further verification at a time. And on the next day 7 individuals have been released as they were innocent but the last one was not released. Actually they release after sending these individuals to the local police station. But one was missing then there was a hue

and cry. What was happen to that last one? But ultimately the BSF personnel handed over the dead body of the last one to other police station. Saying that, after bringing all this 18 individuals to that place, they offer sweets, eatables to the (01:03:40) and then this last one they it is a person of the BSF that they came across this individual started hitting this (01:04:02) ultimately he asked for using this washroom and then he was taken to the washroom. It was constructed of wood, and then after entering inside wash room he started pulling his hair and ultimately he fell down hitting his head to the wooden wall something like that and then he come out and started climbing the (01:04:40) and then requisition that their unit doctor and the unit doctor examined him ultimately he was taken to the district hospital, while doctors were found dead in that district hospital while medicine, drugs, ultimately circumstances and then they claimed like this but according to the doctors of that district hospital they issued a certification that he was brought dead. At the same time the doctors of the particular district hospital said that this is a hospital only for the living individuals not for dead ones. And then we file a writ petition in this regard. There even I go through this postmortem report. The report saying that death was caused due to inter carniuous bleeding inside brain. And it was caused due to blunt force injury over head, doctors put in this opinion like this. And then after putting all these things, we looked at the same and ultimately the court during hearing the judge has asked the council who represent the BSF that let us see are you agreed that whether the victim was expired while he was in your custody, is it right? Yes. My Lord. But it was due so and so. No..no..no My question is that whether he had expired while he was in your custody or not. Yes. Then without having much argument the court has awarded 3 lacs as compensation saying that it was custodial death. But before disposal of that writ petition, while I was in the office of Manipur Human Rights Commission some personnel of BSF under the leadership of which Deputy Commando came to the Human Rights Commission along with the parents of that boy. And they also brought the one officer of the HC for identification since they couldn't identify me, that officer of the HC could easily identify me. And then after identification made by the officer that the deputy commando as we all as sectional commando of the BSF ask me to withdraw the writ petition saying that there is a mutual understanding between the officer and the parent and then I thought that there is some foul play. And then I called at Madhav, who was the petitioner to ask few questions and then since they were under compulsion the when I am trying to ask few questions then Madhav started to claiming..just started reeling of heads..and then I asked for some water and applied some water over our heads and then ultimately I decided that no, I should not ask anything. Then I asked the sectional commando that since you are the oppositions at the same time I am fighting for my clients right now you brought my client with you. At this moment I am unable to believe what my client said right now. Late my client come to by chamber one day on their and then I will do whatever they like but at this moment I cannot say anything so please go. Sometime we also face difficulties from the concerned person also. I don't remember year in which they are was an incident of surrender drama. While few individuals were shown as if they surrender before the Assam Rifles as if they were the militants they were surrendered by the ceremony before the press but the parents of those boys even though they face a marks which like blood clots they

came identified after looking at other pieces and then they went to the Assam Rifle and then ascertain that yes the picture which was found in the Newspapers was their son. But at the same time actually there sent their son for undergoing pre-recruitment training for joining the Assam Rifle (laughs) There was a middleman who lured use to send this boys saying that you have to for pre-recruitment training without pre-recruitment training you will not be selected in the relay so and so but actual intension was for having a fake surrender. Ultimately we file six habeous corpus writ petition before HC. Ultimately HC asked those boys before the court that but actually HC has to produce them before the concerned magistrate's court and in that case since they were in their custody they grilled him so that give their reply as if they have actually surrendered before them. But ultimately out of the six boys had disclosed before magistrate that yes they were forced to do all those things, actually they went there for having that pre- recruitment training. Then they were released then and there. But in respect of that too, we failed to even in that hearing, while they were produced before the magistrate even those boys refused o recognize their own parents. Is it your father? No I cant recognize him. Something like that. Then since they cannot put these boys for longer they ultimately handed these boys over to a one police station along with a pistol, as if they arrested something like that. Then we fought for them and release them.

Shantanu: So they are all out now?

DM: Along with the...?

Mr. Rakesh: In that while we were fighting for them in the high court for conducting that case there was a bandh, a strike called by the joint action committee formed by the villagers of those boys. But there is a what you call dictate or something like that, issued by one saying that no one should call a strike or bandh for demanding their release. So one of them had made a call to my mobile saying that I should use loud speaker after putting it in a vehicle and make an announcement that the strike called by JAC is withdrawn. Then I replied no...no..no..I not involved with that JAC, I simply represent the parent of those boys. So in respect of calling a strike is not duty to me and all this things were done by the JAC. So you just JAC for that purpose and anyone related with JAC, then that the caller insisted that I know you better. Even though you do not know me I know you better and you we have report that you involved in this case passionately, we know everything. So you should do it. These things. Since my turn is nearer on that day I cant having that (01:16:37). At the same time whenever you file an RTI application seeking certain information regarding this real development or public distribution system within that week someone will call to me to asking for withdrawal of application.

DM: Someone would come to you to ask you to withdraw your application?

Mr.Rakesh: Yes.

Shantanu: How has your experience here been with SHRC Manipur?

Mr. Rakesh: Yes. We have two sets of team. First one, first team was satisfactory but second team was the best. Actually in the second team it was comprising of the one retired CJ, one fine man, but other members, one retired Lieutenant Colonels was there, and one retired sessions judge, actually he is from my locality (laughs) and third was one, even though he was a law degree he was one gentleman. That retired judge he conducted question like this after having (1:18:50) Then I said this questioning is not for calling report from DGP. It is for file submittes by DGP..no..no..no... We will raise his eyes and started confrontation with me. (laughs)

Shantanu: Since you are a HRLN lawyer, have the judges looked at you differently from other lawyers?

Mr. Rakesh: Yes.

DM: In what way sir? How do you think?

Mr. Rakesh: They have mixed feeling. I think so. They have mixed feeling. Say they told that yes lawyers from this organization they always try to represent those voiceless but sometimes we confront with them without any reservation. So sometimes they felt some sort of what you called huh, insecure they feel and they conduct cases before our court. Sometimes if I commit something wrong then they confront like this. Say differently a rape victim was in lock up.

DM: Ok...They put her in lockup?

Mr. Rakesh: Yes. It was reported in newspaper. Actually on 13th of January this year we had organized a consultation on the use of (01:21:30). While I was conducting a consultation on that meeting one of my friends was an activist, a lady. She came and informed me that it was around one woman was put behind the lockup by that particular magistrate and then she wanted my help. Actually in that moment I was still conducting that session. Then I visited her where till this break for lunch. And during the lunch time I made a call to the particular magistrate. As to why she put that rape victim behind that lockup. Then she replied a strange thing. Saying that she have some suspicion about the manner in which she was raped. That is why in actual thing, she asked the CI to get the actual thing what was happen. That is why she could take rape victim along with accused rapist in a same police station 4 days. Then I replied, madam under the existing law, no victim of crime can be put in the lockup. In spite of my reply, but she still managed and tried to convince me that then taken a right decision, then having no alternatives I sensed it was a Sunday, there is no time to approach to the court also. So having no other alternative I just rushed to the court of the High Court judge. Actually it is not normal practice for approaching judge. But the circumstances compelled me to visit his house and I requested that I was allowed to meet that judge. Ultimately I reported actually in that date there was no light and the judge come out from his bungalow and look at me curiously as to why this guy visit my house at this hour and then I disclosed myself then even though he recognized me he you are well known rights activist what is the problem for coming here late night, then I disclosed that ya there is a case of putting a rape victim behind the lock up and so and so...Then he enquired to

me who was to me and then asked me under what jurisdiction, under sessions jurisdiction and then I disclosed that like this the sessions judge.. And then he advised me to contact with the sessions judge. And then he further told me that you just ask the sessions judge I asked me whether he was in his house or not and then he told he was not in his house and then he said ask me the reasons for visiting his house and then I disclosed and then ultimately he told me that it wont be possible for me to do anything right now and asked me come to his court, next day. And then on the next day, I filed a miscellaneous application for cancelling that order passed by the magistrate but the existing law requires me file the miscellaneous application along with the order passed by that magistrate. Since if I challenged a particular order, I have to challenge saying that so and so order isn't it? So during that time there was no order in my hands. So I sent my colleague there is another (01:27:18) as well as I just typing that miscellaneous application to my colleague to that particular magistrate court in another district. And then they inside that court proceeding and when they tried to enquire about the papers the court papers the dealing assistant has replied that reply is with the magistrate not with the..So they rushed to the magistrate chamber and asked for to furnish a copy of that order. Atleast they should be allowed to see it. So that they could copy it. So magistrate refused it. Then two of my colleagues reported that thing over to me in mobile phone. Then I put another paragraph saying that when we approach to him, to that magistrate he refused to furnish the copy so I put another prayer allowing to file this miscellaneous application without a copy of that particular order. Fortunately that sessions judge allowed our prayer and then and there quashed the order passed by the magistrate and then he issued a warning to that investigating officer for doing all those thigns and ultimately after happening a copy of that order for passing that order I visit the police station all along with my team and there in the police station that...The moment when I just come out from the sessions judge court room there was a local cable TV network. A reporter was just standing there just beside the court and he made a interview with me and since I am very much against this putting the victim in the lock up, so I replied all the question put by this reporter in a aggressive mood.

Shantanu: Sir, how was the experience with the bar, with respect to human rights issues?

Mr. Rakesh: Bar means the lawyers association? Say in what respect their case? Say would you have two bar association at high court and as well this trial court. We have the whole Manipur bar association. This is basically deals with the trial court and we have the another organization, association called HC Bar Association Manipur. It was of HC. So in respect of HC Bar Association they are activity is only to farewell dinner for those judge who retire from service and also welcoming dinner for those new incoming. At the same time they have a tendency to adjourn the proceedings of the day. Just say among this senior members of the bar, say someone says this should be soo cool. So let us adjourn this thing. So yes. They will be request saying that Lordship today is soo cool that so that we have decided not continue this proceeding so please adjourn all this thing. And then the judge will immediately say yes. And some another day it shot then they will decide and actually they will reach the judge chamber centre since there was a hot

since almost all functioning properly since there is by hot there is let us stop today's proceeding. Or say someone you know Swasthi Samman was born there was a Swasthi pooja, isn't it?

DM: Yes.

Mr. Rakesh: So there was a swasthi puja for one influential lawyers. Then everyone of the member is supposed to attend that ceremony isn't it? So they will just say today is Umakant's son's swasthi pooja. So we would like to participate in that ceremony so please do so adjourn today's proceeding. So he will say yes. Say in a hour for making the functioning of this HC, thousands of rupee have been spending. Isn't it? Actually for the functioning of this HC. So ultimately we have decided that to form a another lawyers another part in which I am the vice president of that newly formed bar. Our main activity is to make it functional in almost all working days. This is our only objective.

DM: Sir have you ever used the I mean what have your interactions with the local media been? Like have you used the media to generate publicity for a case or has the media helped you in any way?

Mr. Rakesh: Ya ya ya ya. I do have a good rapport with the media. I used the media just only 2 cases. Since say in respect of fake encounters one day HC issued an order in our favour like the awarding of a compensation and so and so...Then I definitely issue a case note. Because it is a not for publicity for myself, it is only for spreading this information to masses. So there is a common thinking in local people like that my son is keep in police command and so if I file a police complaint then what would happen to my remaining son. Something like that. At the same time the local people instead of helping that victim's family they will definitely ask you see till today there was no one who was fighting against a state. Something like that. Instead of putting (01:35:20) that victim's family they deaccelerate their thinking of that. So in order to negate all these things we issued press note to the media. Right now we are planning to file a PIL. Say the primary task of a municipal corporation is to manage to clean the city. Isn't it? By using their main force, they moping the road to clean the road, the garbage etc.etc. they are primary tasks. They cannot shift his primary responsibility to another. Say this municipal council say that collection of garbage from every household of the city area is supposed to certain NGO's. And the certain NGO will definitely charge for collecting the waste from the particular house everyday. And for those who refuse to take a service of that NGO will punish. Without we will challenge.

Shatanu: Sir so do you also practice in family courts apart from HC and SC?

Mr. Rakesh: Yes. Yes.

Shantanu: Matrimonial matters also you deal with?

Mr. Rakesh: Ya. Ya.

Shantanu: Sir so is it so that Domestic violence cases also you deal with?

DM: Sir what are your experiences with DV cases?

Mr. Rakesh: DV cases, yes I don't know whether the rate of domestic violence is it increase after this act or is it due to the awareness level among the people. Everyday number of DV cases is increasing. Almost all the magistrate are filing hundreds of DV complaints everyday. I do not know as to why such this filing of complaints is increased enormously?

Shantanu: What is the general sort of attitude to courts towards victims in such cases?

Mr. Rakesh: Ya in that particular case, they put the behind the bar. In that respect she will definitely be victimized the complainant. He always there in favour of them who responded. But they are number of magistrate who very much co operative with us at the same time whi very much concerned with our activities , respect our submission also sometime.

DM: Sir as in one question? I have heard from, because we have interviewed other HRLN lawyers like lawyers associated with HRLN units as well. And they said that you know in recent years I think there has been some sort of directive whatever form the main office that units have to become self sufficient. Is not that the case?

Mr. Rakesh: Yes after launching what all websites from so and so. Yes.

DM: So does that create difficulty for maintaining a HRLN unit here in Manipur? Have you faced funding issues or?

Mr. Rakesh: Up till now, No.

Shantanu: How many people are working here in HRLN/

Mr. Rakesh: Seven.

Shantanu: Sir, you also for your practice go to other states? Apart from Guwahati and Imphal?

Mr. Rakesh: Sometimes.

Shantanu: For some cases.

Mr. Rakesh: Yes.