

**WHY INSURGENT  
GROUPS IN MANIPUR  
KILL THE RAPE  
ACCUSED**

—

**MAKEPEACE SITLHOU**





ZUBAAN

128 B Shahpur Jat, 1st floor

NEW DELHI 110 049

EMAIL: [contact@zubaanbooks.com](mailto:contact@zubaanbooks.com)

WEBSITE: [www.zubaanbooks.com](http://www.zubaanbooks.com)

Published by Zubaan Publishers Pvt. Ltd 2019

In collaboration with the Sasakawa Peace Foundation



*All rights reserved*

Zubaan is an independent feminist publishing house based in New Delhi with a strong academic and general list. It was set up as an imprint of India's first feminist publishing house, Kali for Women, and carries forward Kali's tradition of publishing world quality books to high editorial and production standards. *Zubaan* means tongue, voice, language, speech in Hindustani. Zubaan publishes in the areas of the humanities, social sciences, as well as in fiction, general non-fiction, and books for children and young adults under its Young Zubaan imprint.

Typeset in Arno Pro 11/13

## WHY INSURGENT GROUPS IN MANIPUR KILL THE RAPE ACCUSED

---

Unlike anywhere else in India, if you were to be accused of molestation or sexual assault in Manipur, your name could get engraved in a bullet. Public outrage and reprisal against sexual violence has been building up in Manipur for a long time.

In December 2012, the gang rape of a medical student in a moving bus, who was later left to die on the cold streets of New Delhi, shook the country's moral consciousness, spurring widespread protests. For Manipuris, the frustration of seeing one too many cases of sexual violence go unpunished (even unheard) reached a breaking point in 2004. That year, twenty-four-year-old Thangjam Manorama Devi was raped and killed, allegedly by personnel from the paramilitary forces.

Manorama's family, who witnessed the brutality, said that Manorama was picked up in the middle of the night by a team of 17 Assam Rifles to extract information on the movement of militant groups in the area. Accused as an underground informer, she was tortured near her residence and within earshot of her family, they said.

The next day, her body was found riddled with bullets, many of which were loaded on her vagina and other lower parts of her body. Not a single accused in this case has been brought to justice so far nor have their names ever been disclosed.

Manorama's story is the most cited case in Manipur's history, which serves well as a primer to understand the lack of law and order in the state. For India, Nirbhaya became a turning point, at least as far as strengthening rape laws and criminal procedure was concerned. However, Manorama alienated Manipur from the mainland for all the inconvenient questions it raised about democracy, justice, national security and nationalism.

In this environment with a broken state apparatus, underground groups have taken matters in their own hands to ostensibly protect the honour and dignity of their women and children, particularly minor girls. Valley-based groups like United National Liberation Front (UNLF), People's Liberation Army (PLA), Revolutionary People's Front (RPF), Kangleipak Communist Party (KCP) and People's Revolutionary Party of Kangleipak (PREPAK) have turned to gunning down rape accused as punishment for their crimes.

The UGs (as they are locally called) proudly own up to every incident they are responsible for as an act of carrying out 'justice', which also serves as a warning to other rape accused and men in general. There are no definitive figures or research on how many such killings and attempts have been carried out by the armed groups. In this report, the reporter conducted an in depth study of three rape cases in Imphal West district, where the UNLF had carried out an encounter against the rape accused. Out of the three, only one rape accused survived the shooting but was recently convicted under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

\*\*\*

Years before the rape and murder of Thangjam Manorama Devi became the landmark case of sexual violence in Manipur, Rose, Neelam Panchabhैया and Tamphasana had already been household names.

In the earliest case from 1974, Rose was reported to have been raped by a Border Security Force officer but ultimately did not get any justice due to a lack of evidence, according to journals and media reports. However, the cases of Neelam (1986) and Tamphasana (1990) were remarkably distinct as the suspected perpetrators involved were locals.

In 1986, the son of the then chief minister, Rishang Keishing, was reportedly involved in the abduction and murder of fourteen-year-old Neelam, a Garhwali girl who grew up in Imphal. No police investigation was launched due to a lack of evidence and a suspected botched-up post mortem that declared she died due to drowning. Tamphasana was allegedly gang raped and killed by politically influential perpetrators. Activists and lawyers said that underground cadres, as a way of retribution, killed one of her alleged rapists, although this could not be confirmed.

One of the earliest reports on the emerging pattern of underground outfits bringing rape accused to justice can be found in the January 2000 issue of *Manipur Update*, a now defunct journal published by Human Rights Alert (HRA). HRA is a non-profit founded and run by lawyer Babloo Loitongbam, who also edited the journal, which has been documenting cases of extrajudicial encounters allegedly committed by state police and security forces. State actors have, for long, enjoyed legal impunity from investigation and prosecution under the notoriously extra constitutional legal exception of the Armed Forces (Special Powers) Act, 1958.

According to the journal, the cases of Neelam and Tamphasana helped shape the attitude towards violence against women in taking a more sympathetic stance towards the victims. The public outrage, the journal claims, moved non-profits and underground outfits to work to curb the incidence of rape. Irengbam Arun wrote,

Underground groups, notably the United National Liberation Front (UNLF), Manipur, began the elimination of rapists. UNLF claims to have shot dead more than 50 rapists.

These acts of vigilante justice not only helped in bringing down the rape incidence in the state, but it also helped the victims in

fighting their own fears. Since then, the rape victims started appealing to the underground organizations for instant justice. Such appeals can be frequently seen in the local dailies.

Chaoba Paojel, a senior journalist with the daily *Imphal Free Press*, concurs that the killings did help to bring down the number of rape cases to some extent. He recalls that in the cases of Neelam and Tamphasana, the police could not frame charges against the rape accused because of their apparent connection to ministers. 'The public was outraged and demanded justice. The UGs gave their own version of justice,' he said.

Mostly, though, there's an awkward silence maintained by activists, lawyers, journalists and police officials on these unlawful killings. One may even interpret this silence for acceptance as the killings are considered to be good as a judicially pronounced death sentence executed in much lesser time than an actual judiciary would have taken. Not to mention from the victim's point of view, this is far less emotionally and financially draining for her and her family.

From the point of the accused, the Indian legal system and international human rights bodies, such vigilante killings are condemned as undemocratic and unconstitutional. It violates the basic right to a fair trial guaranteed to a person, who is 'innocent until proven guilty'.

Loitongbam said that as a human rights organization, HRA categorically condemned 'capital punishment' carried out by the State as well as non-state groups. But he asserted that when the rule of law persistently fails to protect, human right vigilante justice takes over. 'Back then, the law and order situation,' he explains, 'was in such shambles that the UG groups became the Robin Hood of Manipuri society.'

Ultimately, he said, the need for the masses or the outlawed to take matters into their own hands was a reflection of the failure of the ruling government. 'Condemning capital punishment was an important caveat, however, because we believe in the right to a fair trial,' he added.

Last year, the India office of the human rights watchdog, Amnesty International, held armed groups responsible for attacking people in the name of women's rights. 'Vigilante justice undermines the rule of law and does little to improve women's safety,' it said in a statement. Amnesty supports HRA's project on pursuing justice for the Extrajudicial Encounter Victims Families Association (EEVFAM) through their Global Human Rights Defenders campaign.

Many of the cases documented by this local group either had not been registered in the local police station or an investigation was not allowed to move, citing AFSPA as a legal protection. In the aftermath of the Delhi gang rape in late 2012, the Justice JS Verma Committee made a slew of recommendations that led to amendments in the sections dealing with sexual violence in the Indian Penal Code and the code of criminal procedure.

One of the recommendations asked to bring 'sexual violence against women by members of the armed or security forces' under the purview of ordinary criminal law. 'Systematic or isolated sexual violence, in the process of Internal Security duties, is being legitimized by the Armed Forces Special Powers Act, which is in force in large parts of our country,' the committee said. This recommendation, however, did not make it into the historic amendments to the rape laws in India. The State, once again, reminded us that the identity of a rape victim and accused will always matter in seeking justice in India.

\*\*\*

## **CHARGE SHEETED YET OUT ON BAIL FOR THREE YEARS: IROM BOBO (1974–2017)**

On a summer night in July, as the commercial buzz in Manipur's capital was winding down, the stillness of the night was shattered by a round of gunshots in Pukhrambam Leirak, Sagolband Tera.

After almost a decade, an incident like this had occurred in the heart of Imphal city, where cadres of the United National Liberation Front were behind the barrel that killed a Manipuri civilian. Irom Bobo, a forty-three-year-old goldsmith, had been punished for raping his then twelve-year-old niece five years ago, according to the statement that the UNLF released to the media the next day.

The group said that they had been tracking Bobo for quite some time since he was released from Sajiwa Jail, where he served six months before he was granted bail. Cognizant of the time lapse since the alleged offense was committed, the group offers an explanation as to why there has been a delay in 'giving out timely punishments'. 'Some of the criminals who had committed similar crimes have run away to other states outside Manipur after being released from jail and few are hiding in rented houses by changing their identities,' the statement said.

A women's journal by the name *Nupi Ki Punshi (NKP)* mentioned that Bobo's mother said that her son moved to Imphal city along with his family to be closer to his workplace. *NKP* is written and published by Robita Devi, founder and president of Women Against Crime in Imphal, a non-profit that works on women's issues and runs a shelter home for women in distress.

From a visit to the families of the victim and Bobo, it appears as though the case had effectively been forgotten and sidelined by the authorities. On perusal of the documents obtained, it was found that the case had gone into cold storage for reasons that could not be fully ascertained. What follows is an estimated account of the events from the time of the incident to what transpired (and did not) afterwards that may explain the receptivity towards vigilante justice.

On 1 July 2013, Dolly\* ran out of her aunt's place in Tharoijam close to midnight. She was staying for a few days with her aunt, Subhadini, who was married to Irom Bobo with whom she had two daughters and two sons. Both the daughters had been married off at an early age, and the two sons were about the same age as Dolly. Dolly would normally sleep with the kids whenever she came over.



The eldest among four children born to daily-wage labourers, Dolly's family said that she had a difficult time reconciling herself with the separation and eventual divorce of her parents. She would divide her time between her mother's natal home, where she lived with her grandparents, and her father's place. Both families described the mother as 'reckless' and responsible for what happened to her daughter and Irom Bobo eventually. After separating with her first husband, she started seeing a co-worker at the brick kiln, where she worked as a labourer.

Emphasizing the troubles of the broken home that Dolly came from, Subhadini said that her niece was not invited to stay at her place that day. 'Dolly returned to her dad's place after a long stay at her mother's. But her father threatened to beat her up if she was out for that long ever again,' she said. 'The girl ran out of her home crying. When people on the way stopped to ask what happened, she said that her father hit her and had threatened to kill her,' Subhadini claimed. It was upon asking her parents' names that one of the villagers who knew the girl's aunt took her to her place.

Robita's account of this is slightly different. Dolly's family told her that as her mother got more involved with the colleague, including calling him over for lunch, she decided to send her daughter back to the father's house. 'The child was frustrated with all the goings-on in her family, so she decided to stay at her aunt's (her mother's older sister) house for three to four nights,' she wrote. Her father's statement to the police on 9 September 2013 states that he wasn't even aware of her whereabouts that day after she refused to return to his place.

On that particular day, Subhadini was attending to one of her daughters who had seriously taken ill and was not at home. Later that night, Bobo allegedly raped his niece at around 9.30 p.m. as registered in the First Information Report (FIR) filed by the father of the victim. After she escaped from the back door, a few Meira Paibis (women torchbearers) from her mother's village found her in a semi-conscious state, profusely bleeding. They took her to the hospital and informed her parents.

Defending her husband, Subhadini says that he was extremely affectionate and kind towards Dolly. 'He would specially order chicken for her whenever she came home,' she added. She rubbishes the claim made by the Meira Paibis, citing a long-standing enmity between them and the Meira Paibis of Tharoijam (where she was found) over a land dispute. When asked why she ran out of the house that night, Subhadini offers a convenient explanation. While the author is legally restricted from sharing any details of the victim's location to protect her identity, the accused lived about 10 kilometres away from the victim's village.

'Her father was supposed to pick her up from my place the following morning. But she was reluctant to go back. She was so frightened of her father that she tried to escape.' When I asked if there was a reason for the rivaling Meira Paibis to target her husband, Subhadini evaded my question.

An FIR was filed the next day on 2 July, although, oddly enough, the case was only booked for rape under Section 376 of the Indian Penal Code. The Protection of Children from Sexual Offences Act, 2012 (POCSO) was not applied in the FIR. More surprisingly, however, the Manipur State Commission for Women that took up the case did not mention POCSO, or even the mere fact that the victim was a minor girl in any of their formal applications or case documents accessed by this reporter.

The family told me that the women's commission and a non-profit worker had provided counseling to the victim, helped them in the legal proceeding of the case as well as in obtaining compensation. Under the Scheme for Relief and Rehabilitation for Victims of Rape, 2005, the victim is entitled to an interim relief amount of Rs 20,000 preferably within fifteen days of application to the district board, or not exceeding three weeks. However, the family told this reporter that they were promised a sum of Rs 25,000 by the NGO worker but only received 17,000.

The key function of a women's commission in a state is to register complaints of crimes against women and children as well as facilitate

and monitor due process with the state police. For serious offences, 'the Commission can constitute an Inquiry Committee, which makes spot enquiries, examines various witnesses, collects evidence and submits the report with recommendations. Such recommendations help in providing immediate relief and justice to the victims of violence and atrocities', the National Commission for Women website states. Moreover, lawyers or experts may be invited to be a part of these committees, and the implementation of the report would be monitored by the NCW. 'But once a charge sheet is filed and the case is taken up for trial in the court, the commission longer has no authority over it,' an official at the state commission told me.

When the reporter accessed the records of the commission, he found that they summoned both parties to be present on 19 August 2013, during which the accused party was not present. They were next summoned on 9 September when the wife of the accused was present, and the accused could not attend since he was lodged in jail, as noted. In the next hearing on 14 November 2013, both parties were absent. During the next summons on 2 December 2013, the complainant is noted to be present along with the opposite party No. 2 and the opposite party No. 1 in judicial custody as per the order of the court. It is unclear who is referred to as opposite party No. 2, since earlier, the presence of his wife was considered irrelevant. In the same hearing, the status report from the officer in charge of the Patsoi police station (where the FIR was registered) was sought.

On 26 December 2013, both the parties were noted to be absent and the status was yet to be received. A month later, on 27 January 2014, the opposite party No. 2 was present while the complainant was absent. In a letter dated 4 February 2014, the Superintendent of Police (Imphal West) notified the commission that the case had been charge sheeted on 28 September 2013. While a copy of the charge sheet could not be obtained, officials at the Imphal West Sessions Court confirmed that it was not admitted to the Court of Judicial Magistrate. In the next hearing on 17 February 2014, both the parties were absent and noting that this was the third instance of absenteeism, the commission

concluded there was no interest on the part of the complainant to pursue the case.

The family told this reporter that they remember attending two hearings related to this case, but could no longer recall the name of the lawyer who represented them. ‘For about a year after the incident, Meira Paibis of our locality staged several protests demanding to bring swifter justice to the victim. After that, it all died down,’ said the grandfather. At the time of our visit, Dolly’s father was not at home. According to a report in *NKP*, he remarried a few years later.

Meanwhile, Bobo got out of jail after six months and resumed a normal life. Subhadini did not explicitly mention that the family moved away from the locality after his release and maintained that the locality continued to support him. ‘My husband was an affectionate, simple and innocent man. You can ask any of our neighbours. I never trusted that girl. Even the medical check-up never confirmed that she was raped,’ she said. A copy of the medical examination report in possession of the reporter confirms that there were ‘signs of recent attempted sexual assault present (sic)’.

On 28 July 2017, the Irom family was caught up in a frenzy, which started out as celebratory, but became quite dark by the end of the day. Their first daughter had just given birth to a son, Subhadini told me, holding the portrait of her late husband close to her chest at her home in Tharoiyam. She had been away from her home attending to her daughter, as is part of the Meitei custom. It was only by evening that she was informed that her husband had been shot dead. ‘He was making a pair of earrings for his newborn grandson,’ she tearfully recollects.

Five years since the incident and a year (at the time of our visit) since her alleged perpetrator was killed by UGs, her family says that Dolly lives a normal life today. Her likes and interests are like any other seventeen year old: friends, boys and make-up. She dropped out of school about four years ago due to a lack of interest in studies, or as her grandfather crassly puts, ‘Her brain is not good enough for studies.’ Attending embroidery classes is what keeps her engaged these days.

However, the stigma of being a rape victim that commonly gets embedded into the identity of sexual violence survivors anywhere in the world equally affects Dolly. Her family tries to assure me that she has been living a normal life even though everyone is aware of what happened to her when she was younger. But Robita says that she had eloped with another minor in 2016, but returned after he ditched her post coitus, the report said. The family filed a case against him, and he was kept in a juvenile home for a while.

While the family maintains that no cadre or member of an outlawed group had visited them, Robita's report talks about some 'police personnel' who came and inquired about a man who may have stayed at their place for a few days. After Bobo's release, the family reportedly had no resources to inquire about the status of the case or make any formal complaints to the court. Although they replied in the negative to the police personnel, they were later informed that unknown persons had killed Bobo. 'They were scared of being blamed for it since they had filed a legal case against him. They were, also, scared the family would exact a revenge,' Robita writes.

To this reporter, Dolly's family announced that they were happy that he was killed and justice was finally done. 'There's no place for bad people in our society. It's better if they are no longer alive,' the stepmother said. Moreover, their faith in the legal and judicial system had also dramatically waned.

In contrast, Subhadini holds a seething anger towards the group who carried out the killing. 'They should have thought about the family of the rape accused, that he has children to support. He was innocent.' She has wanted to clarify this to the public for a while but no media ever came to interview her thus far. 'Only Robita spoke to us.'

\*\*\*

Gender-based violence in Manipur is as old as the long winding and fractured history of this tiny state in the North East region of India. Nestled between Mizoram and Nagaland, the state covers an area that

extends over 22,000 square kilometres and shares a 398-kilometer-long international border with Myanmar (formerly Burma).

Before its forceful accession with the Union of India in 1949, the valley-based kingdom of Kangleipak thrived for thousands of years, well fortified by the hill ranges in all four directions. As with other monarchies in the Indian subcontinent and South East Asia, women in Manipur were mostly relegated to the continuation of the royal line and building trade and political relations between neighbours and rivaling kingdoms by their hand in marriage.

But it was in this valley that women from the Hindu Meitei community became the first gender minority to find an early place in India's modern history for pioneering a revolutionary movement. The Nupi Lan or Women's Agitation of 1904 saw thousands of women descend at the Khwairamband Bazaar on 3 September in the very first public demonstration displayed by women in India. They were protesting the unfair taxation system imposed by the occupying British administration, the exploitation of labour and food crisis caused due to the free trade policy. The very first Nupi Lan would go on to not only redefine the political history of the state, but the way social movements are engineered here even in the 21st century.

However landmark their agitation and impact was in history, an important caveat of their own agency as women in the larger struggle against oppression and patriarchy has rarely been broached. Historian N. Joykumar Singh in his Manipur primer, *Social Movements in Manipur*, said that women would come out to agitate and compel authorities into amending their mistakes 'because they knew that they were backed by men. Though they were not given political and administrative responsibilities, but whenever the authorities committed some illegal acts towards the innocent people, they came out and fought for justice'. These women came to be etched in modern-day history and consciousness as Meira Paibis or the women torchbearers of Manipur.

Interestingly, as these women have, for the last century, taken to the streets to protest Indian armed forces occupation, alcoholism, human

rights violations like rape and extra judicial encounters, women in other parts have taken a leaf out of their handbook. In a feat never seen before, women in the hilly tribal district of Churachandpur formed a twelve-kilometre human chain during the bills agitation against the introduction of the Inner Line Permit. This peaceful protest displayed by women became a strategy after the state apparatus had gunned down nine civilians while responding to the protestors with bullets. However, a Joint Action Committee constituted to negotiate the terms with the state government did not have a single woman as their representative.

The battles picked by women here have largely had male approval even though the methods and tactics may have been of their own design. In *The Mothers of Manipur*, journalist Teresa Rehman writes about the planning behind the naked protest staged by Meira Paibis at the Kangla Fort in 2004: 'The women agree that nobody will discuss this with anyone, not even their husbands or other family members. A deep and intense sense of bonding prompts them to join hands and break into a silent prayer,' on the meeting on 14 July 2004 at the palace compound office of the Macha Leima, a women's organization set up in 1969.

The only man who had any wind of this protest, although no clue about the shock that was about to be unveiled, was a painter, who designed the 'Indian Army Rape Us' and 'Take Our Flesh' banners. Little did he know how they would go viral across mainstream media platforms and the Internet, forever becoming iconic images of the testament to the strength and desperation of women from his state.

Of course, these battles are as much their own, especially when they have to bear the maximum brunt of the calamity caused by insurgency (addiction, unemployment and death), militarization (killings and forced disappearances) and an absent law and order (rape, abduction and domestic violence). And while the Meira Paibis might protest extra judicial killings conducted by any member or arm of the state – Manipur police commandos to the dreaded Indian paramilitary force,

Assam Rifles – they have remained silent on a recurring pattern of extra legal killings in the state.

A social activist, who helps rape victims and their families pursue the legal justice system, and who was once a Meira Paibi herself, said that she would occasionally be contacted or summoned by a UG group. ‘I would normally share the details of the case I’ve worked on. But I would also exalt their commitment to the society here and if it’s only limited to extorting money,’ she told me on the condition of anonymity.

Despite several attempts to contact the Machai Leima, one of the oldest Meira Paibi groups, they were not available for a comment or an interview.

### **SURVIVED BULLETS, NOT THE HANDS OF JUSTICE: SANDAM BHOGEN MEITEI (1985–PRESENT)**

In 2018, Manipur witnessed four major convictions under the Prevention of Children from Sexual Offences Act, 2012. Out of the four, the year also saw the very first judgment of death sentence in a rape case. In July, R. David was handed the death penalty for the rape and murder of a four-year-old girl in Maram Kavanam village in Senapati hill district. Earlier in the year, two convictions led to a fifteen-year life sentence by a special trial court for POCSO cases on 25 April and 5 May respectively.

Most recently, a thirty-three-year-old farmer from Sairemkhul, Sandam Bhogen Meitei was sentenced to life imprisonment for raping his neighbour’s daughter who was only three-and-half-years old at the time, back in 2015. Twenty years is a long time for Bhogen, the primary breadwinner of his family, wife and children, to be away. But the prison cell might just be the safest haven for him.

Last year in August, he was shot by UNLF cadres at Tera Khamnam Leirak right at the turning near the Sports Authority of Imphal complex



in Khuman Lampak. He was on his way home after appearing before the special court for POCSO when three unknown persons waylaid him and fired three shots that hit him in the chest and left arm, stated a report in the *Telegraph*. It was the same day when the investigating police submitted their charge sheet to the court. Even as the wheels of justice were seemingly moving in this case, albeit at a pace considered 'normal' in Manipur, Bhogen was not spared from the vigilante justice.

Except in his case, he miraculously survived the attack although he was injured, and his slow recovery only helped to delay the court from expeditiously arriving at a judgment. When I visited the victim's family in September, the grandfather said that the case had been dragging on since the accused would excuse himself from appearing in court on one medical ground or another. 'I wish he would have died in that encounter instead. We want nothing but the death sentence for him,' he told this reporter.

On 4 December 2013, the victim's grandfather lodged a case in Lamsang Police Station, Imphal West against Bhogen for raping his minor granddaughter when both families were out harvesting crops in the paddy field. The families, who live right next to each other, are also related by blood but did not maintain the best of relations. Both families live hand to mouth working as farmers in other people's fields and selling some of their produce in the *Ima Keithel*.

Where normally Meira Paibis are known to be sympathetic to rape victims and their families, this case was an exception. 'None of the Meira Paibis came to help us. Some of them voiced their opposition in the local community hall meeting against highlighting this case and wanted us to keep quiet about it,' the victim's grandfather said. He says they apparently wanted to protect his granddaughter from the stigma of being a rape victim since she was very young, and the accused was also someone in the family.

Advocate R.K. Milan, a private counsel who assisted the public prosecutor in this case, said that local pressure in villages and neighbourhoods in Manipur prevent such crimes from being reported. 'They do not want the image of the locality to be tarnished. While

Meira Paibis can be helpful in some cases, there are also instances of mob justice carried out by them,' he added.

Robita Devi of Women Against Crime, who accompanied me when I visited the victim's family, was one of the social activists who had examined this case. She said that while the local Meira Paibis were trying to resolve the matter amicably between the families, they presented a different side to the media. 'They were voicing their support to the family, even offered gifts to the victim child during *Ningol Chakouba* (a Meitei festival, where married daughters are invited to their parental home for a grand feast and presented with gifts),' she said.

When I spoke to the secretary of the local Meira Paibi unit, a lady named Konthoujam Manihan Devi, she said that the medical examination was not conclusive. 'One of us, who was a government-appointed community health worker back then, had accompanied the victim to the hospital. There, the doctor told her there was no evidence of rape found on her,' she told me. Manihan was one of the defence witnesses who deposed for Bogen and is related to him by blood.

Konthoujam said that the *leikai* (colony) had its own set of rules where it was more appropriate for the village head to help the families reach a compromise. So are the Meira Paibis against reporting cases of sexual offences to the police?

'If we go to the police, they are likely to be charged a lot more money because of rampant corruption,' she replied. Moreover, she accused activists like Robita of being overly biased towards the victim. 'We want to be fair to both the families.'

The charge sheet submitted on 18 November 2014 (more than eleven months from the time of reporting) made a case under Section 376 IPC (rape) and Section 4 of the POCSO Act, 2012 (penetrative sexual assault on a minor) that was taken up by the court on 22 July 2015, more than seven months later. The court framed the charges on 30 December 2015 (about five months later) under Section 4 of the Act. However, an order passed on 14 November 2017 (almost a year later) altered the charge to Section 6 (aggravated penetrative sexual

assault) on the grounds that the victim was only three-and-a-half-years old at the time of the incident.

The inordinate delay in carrying out the investigation and submitting the charge sheet, admitting the charge sheet in the special court, framing the charges, and ultimately, commencing the trial violate the 2013 revision to the Code of Criminal Procedure (CrPC). However, neither the defence nor prosecuting counsel seems willing to take cognizance of this issue.

In the case of Bhogen, Milan said that the trial dragged on because of the high number of witnesses produced by the defence. 'My only question was whether the witnesses produced were independent or related to the accused. It turned out that all of them were his relatives,' he told me. He was subsequently shot and grievously injured as one of the bullets hit his kidney.

Following the encounter, the courtroom became very tense in this case. 'I tried to lighten up the atmosphere by saying that if a person survives an attack from the UG group, then he's not likely to be shot again,' he said, mighty pleased at his own wit and presence of mind.

When Bhogen was shot last year, Robita said that many people had responded on social media with cheer, celebrating the UG attack. This was expected yet I imagined that the courts might take a lenient stand due to the injuries he sustained from an attack, which may be seen as an affront to Indian democracy and the legal justice system.

But the Indian judiciary does not recognize banned underground outfits as legitimate groups. This is why in many court orders, such as this one, judges will refer to them anonymously as 'unknown persons'. The defence counsel argued in court to lessen the sentence citing his deteriorating health as a reason. He said, 'The accused is a patient of different diseases such as retinal kidney failure, calculi in gall bladder and spinal cord problem since the accused is given maximum punishment, he will die within a short period since no facilities for treatment of the accused is available in the medical inspection room of the jail.' The Sessions Judge at the special POCSO court, however, was not convinced to reduce the sentence to time served.

While the UG attack itself did not have any bearing on the final judgment or the sentencing, I wondered if many people in Manipur still had more faith in the vigilante system run by the ‘parallel government’. Milan says he is personally opposed to such unlawful killings.

‘People believe that when they approach UG groups they get a speedy trial or quick results. But in a democratic state, this kind of a trial is not tenable,’ he said. ‘They are also an organization, and I respect them; and I’m not saying they are wrong. But if they have to do something good, then they have to follow the norms also.’

Milan says that due to low levels of legal awareness and formal education among the masses in Manipur, people rarely report such crimes. Moreover, he adds, such unlawful killings don’t have much of an effect on the perception of the functioning of the legal justice system here.

The child moved away with her parents and siblings to another village sometime after the rape incident in 2013. Almost all the defence witnesses, including the family of the accused deposed in court told me that her father himself was accused of raping a minor girl ten years ago. Bhogen’s father, Sandam Bheigyia Singh, told me that his son was a member of the local club those days.

‘The locals were on the verge of carrying out mob justice against the victim’s father. But the local club stopped them and asked him to leave as a way of resolving the matter,’ he said. Since then, he bears a grudge against Bhogen for driving him out of the village, the father said.

Bhogen has left behind his wife with three daughters, one of whom used to play with the victim, and his parents in a state of destitution. They were totally caught by surprise when he was shot last year although they had been aware of statements put out by the UG groups from time to time. His parents felt that, at least, a warning should have been served before carrying out the act.

Once his son was out of danger in the ICU, Sandam Bheigyia was afraid for his life all over again since he survived the attack. This time, he decided to pre-empt any such drastic move by the UG group by

appealing to them to investigate the matter first. He issued a statement to the media and held a press conference in the Manipur Press Club.

Among other things, his statement reflects the ground reality of social workers like Meira Paibis in Manipur, who frequently disagree with each other on several issues and are seen to be biased towards their respective families/communities. He wrote,

*On 3rd January 2014, the publicity secretary of Mepwa, M. Premila Devi, along with Meira Paibis of other locality, demanded through the Huiyen Lanpao newspaper that the rapist Bhogen Singh had to be punished without even informing the Sairemkhun Meira Paibis, locality of the victim.*

Since the average poor man cannot access or persist with the legal system, the militant groups become their Robin Hoods. But the local communities also do not find much space to question the decisions taken by these Robin Hoods. In the presser, a UG cadre spoke to the distraught father about his grievances. 'I narrated the entire story to him and told him, "If my son is guilty, then kill him. But we are fighting the case in court, so why did you shoot him?";' Bhogen's father told me. The UG replied, 'We have our own court.'

The next day, none of the newspapers carried his press statement.

## **HANDED 'VIGILANTE' JUSTICE DAYS BEFORE TRIAL: LAIPHAKPAM SANANINGTHEM (1981–2018)**

*'The Learned Counsel for the accused is present and submitted that the present accused has expired as shot down by unknown persons,'* read an excerpt of the order by the Sessions Judge at Imphal West district court from 8 January 2018.

The case was on the verge of going to trial after almost three years since Laiphakpam Sananingthem was accused of raping a married woman in Lamdeng, Imphal West. However, fate, or the UNLF, had something else in store for the man they had already pronounced guilty.

Just four days before the proceedings for his trial could commence, the thirty-seven-year old bamboo trader was killed by eight bullets to his chest, legs and arms. A file photo of him carried in the *Telegraph* shows his body lying cold on the driver's seat of his Tata pick-up truck loaded with raw bamboo that was to be sold off in the market that day.

Contrary to my expectation, there wasn't a single piece of broken glass as the windows and the windshield appeared to be intact. This might imply that he may have actually slowed down or stopped for someone on the way to the market at the IVR leading towards Lamdeng Makha Leikai (south wing of Lamdeng residential colony). The FIR filed in the Lamsang Police Station states 'unknown armed persons' as the accused. Despite the fact that the UNLF claimed responsibility for the killing by the same, the court did not mention the name of the perpetrator who shot him down.

In the police investigation report accessed by the reporter, the investigating officer noted that the local newspapers carried an article about the UNLF claiming responsibility for the encounter of the deceased. On 12 February 2018, the police arrested a former UNLF member, Sapam Santikumar Meitei at Manaotonmacha, son of Mani Meitei Keibi of Kumuda Maning Leikai. Following his arrest, the UNLF released another statement to the media clarifying that Sapam was not involved in the execution of the 'death penalty' to Sananingthem. He had retired from the party last year, which was announced to the media in a release published on 12 September, the statement further said.

The investigation report said that during the interrogation, Sapam confessed to being recruited along with nine other cadres to carry out the aforementioned punishment to the rapist. However, he was not involved in the actual killing of the deceased. In a statement recorded on 16 February 2018, he said that he had been staying with his family at Keibi Kumuda Maning Leikai since he was released on bail by the CJM on 16 September 2017. He had been engaged in cultivation works like wood cutting at Tarangbi village till his arrest on 25 January 2018. Before his arrest, Sapam claimed to have visited Lamsang Bazaar

only on two occasions to meet his daughter, who lives under the care of a relative residing in the area.

He goes into the details of how he was selected in the team to ‘impose punishment on the rapist’. ‘During the second week of February 2017, I left Ngoyansong, Rakhine State, Myanmar, as I was instructed to report at Tamu by S/S CAS. Accordingly, I left Heisin/Tomu for Thongnen GHQ during the last week of February 2017,’ he said. Around the 1<sup>st</sup> of March, a team of ten cadres including himself were assembled by S/S CAS after his arrival in the GHQ. However, on 8 March 2017, he was informed that his wife had passed away and immediately left for Rakhine State to attend the last rites.

By the time he reached, her funeral was completed but he decided to stay back with his children till the Saroda ceremony (Meitei customary last rites). He was to leave for the mission after he got back, but on his return to Tamu, he asked to be discharged from the UNLF to take care of his children. While Sapam volunteered the names of all the cadre members in the team that was formed, he told the cops that he had never met any of them.

The *Telegraph* reported that the residents of Lamdeng and civil society organizations had urged the authorities from releasing Sananingthem on bail, warning families in the neighbourhood that providing him shelter would attract a ‘punishment’. What this punishment is is of course, open to wide interpretation, as several groups of Meira Paibis are known to carry out acts of ‘mob justice’ in their neighbourhoods. However, that isn’t the only conclusion that can be drawn as may be indicative from the latest UG killing of a civilian in Manipur accused of rape.

On 26 April 2015, Sananingthem reportedly broke into the caretaker’s quarters in the Popular English School campus at Lamdeng around 8.30 p.m. and raped his wife, \*Hemlata, who used to run a *paan* shop in the school vicinity. The rape accused was their neighbour for the last two or three years, since he lived in the village right opposite the school. ‘After he was done, he tried to kill me with a stone,’ she told

this reporter; although this 'attempt to murder' was never mentioned in the FIR or her statement to the police.

The incident occurred while the husband was away, and shortly after the rape was committed, her husband's friend came visiting. According to his statement to the police, he saw Sananingthem leave the school premises and was the first to discover his friend's wife in an emotionally distraught state right after the incident.

As soon as word spread about the incident, the Meira Paibis from different wings of the *Leikai* rolled into respective action. The Treasurer of the Women's Development Organization from Lamdeng Makha Leikai (South), who did not wish to be named, said that Hemlata's husband came over around 9 p.m. and requested her to come and speak to his wife.

'She told me that Sananingthem had tried to rape her. But then in a public meeting conducted two or three days later, she said that he had in fact raped her. I am quite confused about what happened,' she told me at her residence in Lamdeng. Her group of Meira Paibis had gone to the residence of the rape accused to inquire about his side of the story, but his family said he wasn't at home, she said.

The next day, a mob of Meira Paibis from the Awang Leikai (North) stormed into Sananingthem's house and even tried to burn it down to ashes. His family corroborated this saying that seeing this frenzy, they decided to take him to the police station on the same day. 'The victim's family was so infuriated with Sananingthem that they had even said that it would be fair for Hemlata's husband to rape Sananingthem's wife. This was the kind of resolution they had proposed,' the Treasurer added. A case of trespassing, criminal assault and attempt to rape was filed on 27 April 2015.

The medical examination report from the same day does not explicitly indicate any sign of sexual assault, and the final clinical opinion was reserved pending the results from the samples sent. In the charge sheet filed on 30 March 2016, the investigating officer noted that during the interrogation of the rape accused, he admitted to have 'dragged the victim by her hand towards the corridor that led to the



toilet of the Popular English School, where he raped her under the influence of drugs (*Ganja*).

The IO also refers to the 'expert opinion report' from the Director of Forensic Sciences Laboratory that confirmed the accused raped her, although the reports of the medical samples from the victim were still not available while drafting the charge sheet. Based on all the evidence and materials available, there was prima facie evidence to prosecute the rape accused for lifetime imprisonment, the IO added.

While one set of Meira Paibis were out for blood, another was trying to settle the case with the victim, who told this reporter that she had received no compensation from the government. While Sananingthem was in jail, a Meira Paibi visited Hemlata and offered her some money to settle the matter.

'I was aghast that she could even ask me to do that! Only I know how I survived all this while without getting any proper justice and bearing the stigma of society,' she told this reporter when we visited her new residence that they moved to not far away from the school. The Treasurer from Makha Leikai said that matters have been resolved for as much as Rs 70,000 between opposing parties in place of carrying out mob justice or pursuing the matter legally.

Sananingthem got bail within three to six months on medical grounds, Hemlata said. It irked the family to no end that he came and seemingly resumed a normal life carrying on with his work and doing small businesses. In the mean time, there were two separate shootings carried out by the UNLF in July and August in 2017 that shook the state. It was a reminder to the society and a warning to criminals that the group was still alive and relevant.

The CJM of Cheirap District Sessions Court, Imphal West, finally took up the charge sheet on 29 August 2017, and an appearance was fixed on 18 October 2017. Another hearing on 28 November 2017 towards disposing of the case was overruled, and the case was set to go on trial from 8 January 2018.

'We used to advise him to be careful while going out here and there since a warning had been issued by the UG groups, and he

was embroiled in a legal case,' Sananingthem's mother, Purnima Laiphrakpam said. It seems surprising that Sananingthem wouldn't think of relocating to another *leikai*, if not another town/city since these incidents occurred. However, abandoning his family or relocating them to another place was a remote possibility since they were not particularly well off and lived off farming on someone else's land.

But this was a question of life and death, not comfort and pain. 'If he didn't live here, he would have been safer. We warned him not to stay here,' the Treasurer of Makha Leikai Meira Paibis told me. I tried to contact his defence lawyer, a private counsel by the name Devanada, but he was not available to discuss this case. However, in my brief discussion of this case with his senior counsel, advocate Ibechaoba, I was told that there was a strong chance of him getting acquitted based on his reading of the case. 'He was supposed to come to my chamber on Sunday since his case was coming up for hearing on Monday. Unfortunately, he got killed earlier that week.'

After his death, the family sold off the white Tata pick-up truck in which he was gunned down. Not only did the family lose a son, they also lost a breadwinner. Since the incident, his wife and young daughter have moved back to her parents' place and will be visiting the in-laws for the feast hosted on his first death anniversary.

Sananingthem's death certainly brought some relief to Hemlata, who has been carrying around the burden of being a rape victim. 'I can never freely and comfortably ever go out again without feeling like people are talking behind my back,' she said. While they maintained that no cadre from a UG group ever paid them a visit, they had read about earlier incidents of 'justice' carried out by them in newspapers. Hemlata said that someone from one of Sananingthem's family members told her that he was a repeat offender. 'She was happy that I had spoken out against him and felt like justice was done.'

The family of the accused, on the other side, felt betrayed and cheated by the UGs for hastily making a move without even consulting the family once. 'They should have, at least, investigated the matter

first, listened to the family. Why not shoot his leg or something like that?' Purnima demanded to know.

She said that before he died, her son had placed his hand on top of his six-year-old daughter's head and swore that he never raped Hemlata. Even the defence lawyer had assured them of a high chance for an acquittal and had their hopes pinned on the court to absolve him. Unfortunately for him, it was too late.

While an attempt was made to contact the CorCom (Coordination Committee, a conglomerate of seven valley-based groups including the UNLF, KCP, KYKL, PREPAK, PLA and the RPF) for this story, they declined to give an interview.

\*\*\*

A glance at the crime statistics from Manipur since the National Crime Records Bureau began compiling the national data show that the rate of reporting rape (4.3 per cent) and other sexual offences has always been much lower than the national average. A total of 856 cases of crimes against women were registered from 2014 to 2016 (337+266+253) under the IPC and Special & Local Laws. Women Action for Development, a civil society organization in Imphal, documented 220 cases of 'women's rights violations' from January 2010 to February 2016. Out of these, only twenty-eight cases were reported to the police.

Statistics from 2016 show that the percentage of conviction (43.8 per cent) in crimes against women cases in Manipur is much lower than the disproportionately high pendency percentage (96.4 per cent). Despite these figures, lawyers and judges said that rape cases in Manipur were being tried at a fast pace and given high priority.

Ngambom Tejkumar, who was a public prosecutor at the Imphal West Sessions Court from 1994 till 2016, believed that the conviction rate is okay in relation to the rate of reporting. He says that the impact of the Nirbhaya rape case was felt as far as in Imphal, where the pace of prosecution dramatically improved post the 2013 amendments.

‘Before it would easily take up to five years at least for a case to be closed, but now the judges have started taking cases more seriously.’

What has also changed in the last five years is the establishment of the Manipur High Court in 2013, prior to which a Manipur bench operated from the Guwahati High Court. Despite the apparent improvement in the judicial system, lawyers say that the pace and quality of police investigation remains the same, often causing delay; and the reason why the number of cases pending trial at the end of the year is still high.

Meihoubam Rakesh, a senior lawyer with the Human Rights Law Network, said that there have been no tangible changes after the Justice Verma recommendations. ‘Some of the police officers write the kind of charge sheet in a case that would get them a promotion. Even forensic evidence is not handled in a time-sensitive manner, and we still don’t have many basic facilities for a proper investigation like a DNA printing lab’, he told me.

The sub-inspector of Lamphel Police Station in Imphal West, Ayangleima, who has investigated several rape cases, said that people typically approach local, unregistered NGOs to handle their cases before they approach the police. ‘If they fail to settle the matter outside, they come and file a case against the accused and the NGO,’ she told me. In such cases, the NGOs are booked for concealing evidence, she said.

While the police usually get a bad rap for mishandling cases, Ayangleima said the forces were severely understaffed and working overcapacity with a major resource crunch. ‘For POCSO and rape cases, we need a private vehicle but in most of our stations, we only have a single vehicle. We don’t even have a separate toilet for women in the station,’ said the IO, who was at least seven months pregnant on duty when I met her. Further, she complained that the investigation in these cases gets delayed since the same personnel are also handling law and order matters.

While Chief Minister Biren Singh set up fast-track courts (FTCs) or special courts for crimes against women and special investigative cells for sexual violence cases, lawyers said that they have made no difference as yet. Meihoubam says there are absolutely no guidelines under which the FTC is working. ‘What is the point of an FTC when the police don’t submit the charge sheet on time, when the prosecution cannot produce the witnesses on time or when the defence counsel unnecessarily asks for an adjournment?’ he told this reporter.

The FTC is not a remand court and can only take up cases based on referrals from district courts. An official in the Crime Against Women court, who is not authorized to speak to the media, told me that the FTC is only for namesake. ‘The State government has not made any effort to recruit support staff. The post of a head clerk to sign the certified copies has not been created. The judge has to type out her orders/judgments since they haven’t filled the post of a stenographer for more than a year now,’ the source said.

The parallel system justice system seemingly isn’t as harebrained as one might assume (or dismiss) it to be. Families normally approach one of the UG groups out of frustration with the delay in getting justice from the courts, says Tejkumar. None of the families that this reporter spoke to said they were approached or contacted by any of the groups even though their cases had been going on for three to five years, at least. During his days as a PP, UGs would contact Tejkumar to assess the pace of the trial and chances of conviction.

‘I would suggest them to wait for the decision of the court since the life of an innocent would be taken away if they made a wrong call,’ Tejkumar said. He says that the UNLF sets its own bars for prosecution while investigating serious cases like child rape by scanning news reports, television debates and consulting prosecuting lawyers.

While extra legal, Rakesh agrees that their methods have resonated widely with the public. ‘Their actions and statements are so effective that I’ve known rape accused to plea for a cancellation on their own bail petitions after a killing,’ he said.

A senior defence lawyer, on the other hand, Kangujam Ibochouba takes a less liberal view on the vigilante killings. ‘The UG groups are killing rapists because of the offence they believe he has committed not because of the delay in the case proceedings or trial,’ he said. Last year, his own client was shot dead by the UNLF in Imphal West for allegedly attempting to rape his neighbour in 2015. While Ibochouba said that he’d never faced any pressure from the UG groups but from Meira Paibis to withdraw from the case.

‘Some 3040 of them will storm inside the court as well as the counsel defending the accused. Even the presiding judge cannot say anything,’ he said.

In any case, the extra legal form of vigilante justice is a worrying scenario. The lawyers I spoke to said that many rape cases were ‘fake’ since families file complaints after their daughters, especially minor girls, elope with someone. Ibochouba thinks this is such a menace to the extent that he believes that the amendments to the rape laws and POCSO Act can’t be applied in the cultural context of Manipur.

‘Now these festivals are coming up when talented IAS and IFS officers will meet young girls, even below eighteen years, and elope with them. Definitely he will go to jail,’ he said. According to him, Section 29 of the POCSO Act (assumption of guilt unless proven otherwise) makes the accused indefensible.

Of course, none of the cases of the rape accused that were examined in this story were A grade bureaucrats but belonged to the lower-income labour or working class. More than fake cases, what makes the trend worrying is the sparse number of rape accused who were seeking legal aid.

A member of the legal aid monitoring cell, Ibochouba said that good defence lawyers do not take up legal-aid cases because of the low fee. ‘The ones who are less busy, but not as good, end up taking them.’

Although mob justice had long been a part of local convention in Manipuri society, the lynching of a young Muslim engineer last year set off a political debate in the larger environment of mob lynching in India. Unlike in mainland India, this incident had no communal tone

to it yet moved the government to pass an anti-lynching bill in the assembly on 22 December.

However, the old vanguards of society still believe in the traditional system of justice. Today, the locals and families that I spoke to support the UG style of vigilante justice for the rape accused, but this may start seeing objections somewhere down the line. Robita believes this will endure even if law and order and the judicial system improves in Manipur.

In the absence of empathy from most police personnel to help the complainants, people have skirted the law into vigilante action for too long now, she says. 'People here have mobbed police stations where the rape accused was held in custody. They even charge at the policemen', she said. In the most infamous incident of mob lynching in the North East, a mob of thousands gathered in the town square of Dimapur city (Nagaland) and lynched a Muslim man accused of rape to death. A government report later found that the sex was consensual.

'I have seen rape victims being stopped from going to school. So the trauma and stigma is incredibly difficult to bear,' says Robita. Committed to her work, she assists survivors to file complaints and ensures proper procedure is followed since families are often not aware of the law. She even makes personal appeals to lawyers and judges. After a whole day's work, she comes home and writes their stories after an early dinner. Her journal has a wide readership in the valley with the first issue that came out in 2011, selling 10,000 copies.

While voices resisting these archaic practices have emerged, especially from the younger generations (who have spent more time outside the state), in favour of democratic means, outright condemnation is still a dream away. Possibly because of the fear and insecurity among indigenous Manipuris that welcoming Indian laws and constitution would mean ceding to the Indian Union.

'Not necessarily,' says Paojel. He explains that because the state of affairs has been in a status quo for so long, the recent diversity of opinions from the new generation is still seeping in. 'Here, we have an overt "state" and covert "non-state" form of governance. The masses

place their trust in the non-state actors in certain cases of effectively being the judge, jury and executioner,' he said.

'Ultimately, the killings will go down only if the judiciary improves in dealing with cases effectively, not with the improvement of law and order.'

*\*Names have been changed to protect their identities*