

# Who will pay for destroying 54 yrs of this man's life?

**UNDERTRIAL** ■ That's the question Machal Lalung's family in Assam is asking after NHRC helped him get freedom following 54 years in custody without trial

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**I**F the shocking failure of the justice-delivery system ever needed a more poignant face, it's that of Machal Lalung. He walked free in July—after 54 years as an undertrial languishing in the Lokpriya Gopinath Bordoloi Mental Hospital in Tezpur, during which his case never came up once

for hearing.

"I don't know why I was arrested nor do I remember the date. It has been so many years, I was then a young boy like him," says Machal, pointing to his college-going grand-nephew in a house in Mikir Chuburi village in Morigaon district, 75 km from Guwahati.

Machal was handed over by the Assam police to his nephew Badan Pator—his only surviving kin—after the National Human Rights Commission (NHRC) sent



**Machal Lalung**

notices following an inspection of undertrials in the state in March-

April this year.

Machal was imprisoned on charges of "voluntarily causing grievous injuries with weapon or any other means" (Section 326 IPC) at the age of 23 and was found mentally unstable to stand trial. Ironically, the police can't even trace the original FIR.

NHRC records show that Machal was treated successfully and doctors said he was fit to defend himself. That was way back in August

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1967—and then he was forgotten. In 1996, after 45 years of his stay there, the hospital once again wrote to jail authorities saying that Machal's "rehabilitation" was complete and he could be taken back. But again, there was no response—Machal Lalung remained in "judicial custody."

Chaman Lal, NHRC rapporteur, who found Machal during an inspection of the hospital, found him "quietly tending the hospital garden," a frail man who "hasn't spoken to anyone for decades."

After the NHRC team's visit, jail authorities tried to send him home. "I was brought somewhere here once and asked to identify the place. How could I do

that? Everything had changed. The kutchra road had become a national highway. So many pucca houses had sprung up. There was not a single wooden bridge. I simply said No, this is not my village," said Machal.

"It is like a fairy tale," said Sadhani Pator, a niece of Machal, who recalled how her mother Laldoi Lalung used to talk about a brother who disappeared way back in 1951 and never came back. "My mother said the family thought he was picked up to be sacrificed for a bridge that was under construction across the Brahmaputra," added Sadhani.

But it was a young local resident, Bireswar Boro, who finally helped make the connection. Boro went to

the Tezpur mental hospital for treatment where he met a person who the authorities said was from the "same area."

He returned to tell the Lalung family that he had heard of a person called Machang Lalung languishing in the hospital for decades.

"We had only one clue," said Sadhani. "His palms had marks of a burn injury and he had only three fingers in his right hand. This too we had only heard from my mother-in-law," said Jayantai Pator, daughter-in-law of Machal's sister Laldoi.

The family sent two local residents to check out who returned convinced that Machang Lalung in prison was the Machal Lalung gone

missing five decades ago. Authorities, too, checked the claims and established the connection.

Thus when Machal was finally released—the Kamrup chief judicial magistrate let him go on a token personal bond of one rupee—it was celebration time for the entire village. That was in July.

And now every member of his surviving family is asking the same question: Who will be held accountable for destroying Machal's life? Is there any provision for compensation? "We are illiterate people and are scared of courts and the police. Will writing a letter to the President or Prime Minister help us find some justice?" asks Jurmon Pator, his grand-nephew.