

10th July, 2023

PUCL Demands from the Manipur Government:

- **Stop Criminalising Human Rights Work! Respect the fundamental rights of citizens to conduct Fact Finding Enquiries and publish their reports for public discussion.**
- **Immediately withdraw FIR against Annie Raja, Nisha Siddhu & Deeksha Dwivedi of NFIW for releasing Fact Finding report after Manipur visit.**
- **Drop all criminal charges against Prof. Kham Khan Suan Hausing of University of Hyderabad**

The PUCL condemns the registration of FIR by Manipur police on 08th July, 2023 against highly respected leaders of the national women's movement, Ms. Annie Raja and Nisha Siddhu, General Secretary and National Secretary of National Federation of Indian Women (NFIW) and advocate Deeksha Dwivedi for addressing a Press Meeting in Imphal at the conclusion of a Fact Finding tour in Manipur, in which they expressed their views that the 3rd May, 2003 riots which broke out in Imphal and surrounding areas was 'state sponsored violence'. The three leaders have also been prosecuted for describing the protest of the Meira Paibis (women belonging to the majority Meitei Hindu community) against the resignation of Manipur CM, N. Biren Singh as "Stage managed drama".

The 3-member team is also reported to have concluded that during their visit to Imphal and other areas, they met many sections of people, and that "people on both sides want peace to return and the State Government should put in sincere efforts to bring normalcy".

What is shocking is that despite the call for peace and harmony to be restored, the Imphal Police have invoked very serious criminal offences against the 3 women leaders. These include offences under sections 121- A (conspiring to commit offences of waging war against India or against the state), 124A (sedition), 153/153-A/ 153-B (provocation with intention to cause riot, promoting enmity between different groups and imputations prejudicial to national integration), 499 (defamation), 504 & 505(2) (insult to provoke breach of peace, false statement, rumour etc with intention to create enmity between different classes), and section 34 (common intention) of IPC.

The PUCL sees the registration of this frivolous FIR by Manipur Police on the 8th of July, as an atrocious, malicious and unconscionable abuse of power by the police. The Police are using the law as an instrument of terror to frighten and intimidate citizens who seek to find out the truth through personal visits to conflict areas,

meeting various stakeholders and parties involved and placing their findings in the public domain for discussion. PUCL has been consistently pointing out how Mahatma Gandhiji himself used the tool of 'Fact Finding Enquiries' during the freedom struggle to place true facts of events based on field visits, which expose the official version to be self-serving lies or obfuscations. Gandhiji's use of FF Reports during the Champaran agitation or during the horrific Jallianwala Bagh massacre played a key historical role in the freedom movement in helping common people know the truth behind official lies of the British Raj. Constitutional courts in India have also acknowledged and recognised the importance of Fact Finding Reports in several PILs involving human rights violations.

Seen in this historical backdrop, the action of the Manipur police criminalising the use of human rights tools, like fact finding, publishing the FF report and the press conference thereafter is a brazen attempt to silence and frighten civil society groups from independently visiting conflict hit areas, conducting enquiries and publishing reports highlighting facts and incidents as they occurred on the ground. Such a vindictive FIR based on a complaint by one L. Liben Singh, son of late Sanoujam Pholo Singh of Heingang Makha Leikai, at the Imphal Police Station should not have been registered in the first place. Secondly to register the FIR under draconian sections of the IPC like waging war against the state, hate speech etc clearly shows that the agenda of the Manipur police is to harass anyone who challenges the narrative of the Manipur Government and find field evidence to hold that the allegation that the Manipur government is complicit in the explosion of violence by supporting one set of groups against the others, is not without substance.

PUCL expresses its serious concern over the continuing violence that still prevails in Manipur. As on date it is reported that more than 140 persons have been brutally killed in the conflict, including the Kuki, Zo and Meitei community people. More than 300 churches are reportedly destroyed by marauding mobs; numerous villages have been burnt down displacing thousands of people. Instead of addressing how to calm tempers and bring peace to the state, attempts by the Manipur police and government to weaponise the law and criminalise human rights activists is wholly unacceptable and needs to be condemned.

At this juncture, the PUCL would also like to express its deepest concern over a criminal complaint filed before the Imphal CJM Court against Prof Kham Khan Suan Hausing, Head of the Department of Political Science at the University of Hyderabad, for giving an interview with the wire.in. In the criminal complaint filed by one Manihar Moirang Singh, who claimed to be an Imphal-based social worker, the allegation was that Prof. Hausing had made false statements which defamed the Meitei community causing greater communal enmity. This criminal complaint includes offences under sections 153A (promoting enmity on grounds of religion, race, place of birth or language), 200 (false statement made in declaration which is by law receivable as evidence), 295A (deliberate and malicious acts intended to outrage religious feelings), 298 (uttering words with intention to wound religious feelings),

505(1) (statements conducing to public mischief) and 120B (criminal conspiracy) of the Indian Penal Code.

A point to be noted at this juncture is that the complainant Manihar M Singh is part of the Meitei Tribal Union (MTU), though it is his contention that he filed the criminal complaint in his personal capacity. The MTU is the organisation which had gone to the Manipur HC and obtained the order dated 27th March, 2023 directing the Manipur Government to recommend inclusion of Meiteis in the ST list. The issue of larger political motives behind the filing of the criminal complaint cannot be dismissed as fanciful.

It should be pointed out that Prof. Hausing is a widely respected academic and scholar on the north eastern region of India. He has written extensively on the political issues of the North East including the present violence in Manipur and its historical roots.

What causes great concern to the PUCL is that such FIRs and criminal cases will have a chilling effect and act as a deterrence on academics, media professionals and others. Such abuse of criminal prosecutions is meant to ensure that professionals like Prof. Hausing will feel intimidated from pursuing their academic research and making public their findings. Intrinsic to an academic's professional tasks is to disseminate their findings, both in academia, academic journals as also in the popular media. A healthy democracy is based on encouraging critical thinking and discussion. The acts of the Manipur police will have precisely the opposite effect and have a chilling effect on academics and free thinking.

The PUCL is clear that no killings and destruction to the scale of what is happening in Manipur since 3rd May, 2023 can take place without the active involvement or tacit consent of the state. Instead of examining honestly its own role in failing to prevent the violence and taking the culprits to task, the Manipur Government and police is indulging in the classic practice of shooting the messenger. We demand from the Chief Minister the immediate closure of this FIR and to take action against the police who have abused their powers under the CrPC.

PUCL is very concerned that increasingly we are witnessing growing attempts by the BJP led Central Government as also State governments led by them, to weaponise the criminal laws to curtail, silence and crush any form of demand for accountability. We are repeatedly witnessing police like the Manipur Police, using the instrument of the FIR in selective ways by launching prosecutions against certain people and organizations invoking serious criminal offences including under the draconian UAPA. Such acts of criminalising widely accepted human rights tools like Fact finding enquiries, publishing FF reports, writing articles, holding press conferences, giving interviews to the media and so on clearly constitute a violation of Indian people's constitutionally protected fundamental right of (1) the freedom of speech and expression (which includes the right to question the government, dissent and seek accountability) (2) freedom of movement (to move around anywhere in India), (3) freedom of Assembly and other rights.

We would also like to counter the proposition by the Manipur Government that since the Ministry of Home Affairs has issued a Notification dated 4th June 2023 appointing a Commission of Inquiry comprising of c(1) Hon'ble Justice Ajai Lamba (Chief Justice Gauhati High Court Retd.); (2) Himanshu Shekhar Das, JAS (Retd.) and (3) Aloka Prabhakar, IPS (Retd.) there should be no more fact findings. Such an argument flies in the face of both history and an appreciation of constitutional rights. The commission of enquiry act does not prohibit other enquiries. In fact the Commissions of Enquiry are precisely the platform for members of the fact Finding Enquiry to depose and send fact finding reports which unravel the truth.

Historically in this country any major carnage has seen civil society fact findings, and the contribution of civil society has been very important to keeping the struggle for justice alive. To prevent fact-finding is to deprive our society of narratives which contribute towards the struggle for justice. A fact finding by the state does not obviate the necessity for a civil society inquiry. In fact civil society inquiries draw their mandate from the constitutional right of every citizen to the freedom of opinion, expression and association and as such cannot be prohibited by the state.

Thus any attempt to prevent and prosecute human rights groups and concerned citizens' groups from engaging in fact finding enquiries is both an abuse of power by the government and violative of fundamental rights of citizens. We therefore demand from the Government of India through its Ministry of Home Affairs, to issue advisories to all states and police against such act of criminalising people when doing human rights work, academic writing and similar activities.

We demand that the Government of Manipur, immediately drop all charges and close and withdraw the FIR against the NFIW fact finding team. We also call upon the Government of Manipur to take all necessary action to intervene in the criminal complaint filed before the CJM Court, Imphal and ensure that the criminal case against Prof. Kham Khan Suan Housing of Hyderabad University is closed.

We urge that peace processes between the two communities be initiated and the State brings an end to the Violence.

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