

PUCL

PEOPLE'S UNION FOR CIVIL LIBERTIES

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*MANIPUR POLICE: STOP CRIMINALISING BASIC TOOLS OF ENQUIRY
LIKE FACT FINDING AND ANALYSIS*

*IMMEDIATELY WITHDRAW THE FIR FILED AGAINST
THE EDITOR'S GUILD OF INDIA MEMBERS*

The PUCL strongly condemns the two motivated and malicious FIRs filed by the Manipur police against 3 members of a Fact-Finding Team constituted by the Editors Guild of India, Seema Guha, Bharat Bhushan and Sanjay Kapoor and the president of EGI, Seema Mustafa, for a Report released by them on 02nd September, 2023 about the ongoing, unabated ethnic violence in Manipur. Both the FIRs, one filed in Imphal West and another in Imphal East Police Stations, have been registered under identical offences under the IPC

The offences charged against the highly respected and senior journalists of the EGI Team aim to punish promoting enmity between different groups (sec. 153-A), injuring or defiling a place of worship with intention to insult the religion of any class (sec. 295), uttering words etc with deliberate intent to wound religious feelings of any person (sec. 298), using as true a certificate known to be false (sec. 198) and using as true any declaration knowing it to be false (sec. 200). Apart from these provisions, the journalists have also been charged for defamation (sec. 499 & 500) and making statements conducing to public mischief (sec. 505(1)(b)) and creating or promoting enmity, hatred or ill will between classes (sec. 505(2)). To round it up, the highly respected and senior journalists have been charged with the offence of conspiracy under section 120B, IPC!

PUCL would like to point out that what the Manipur State police, and indeed the Manipur government, is seeking to do is to intimidate the Editors Guild of India and other reporters from exposing the truth that they found during the Fact-Finding Exercise, about the true nature of ethnic violence that has ravaged Manipur. The police action leaves no doubt that they intend not just to silence the findings of the Fact-finding Team of the Editors Guild on the violence in Manipur but also inhibit anyone else from daring to expose the complicity of the Biren Singh government and the role of some groups from amongst the majority community in Manipur from being exposed, to the rest of India. Both the FIR's are nothing other than an effort to silencing voices which challenge the narrative of the Manipur government led by Biren Singh, regarding the causes of the violence in Manipur.

We should point out that the Editors Guild of India is a highly respected professional body of journalists made up of some of the most experienced and respected journalists of India. What earned the ire of the Manipur government was the fact that the EGI sent a Fact-finding

mission to Manipur to study the role of the media reporting of the unabated ethnic violence in Manipur. Its terms of reference were to examine the reportage of the violence by the media, to examine whether media was indeed 'biased and divisive' as alleged by several stakeholders, to understand and document the way media's coverage deepened the fissures and the impact of internet shutdown on the ability of the media to function. This very important mission, gave a new dimension to the objective understanding regarding what is happening in the state, for the rest of India's comprehension.

It is a well-established fact that in a conflict situation, whether national, local or international, the media can play a role of escalating violence or can contribute towards healing and building peace and trust between hostile communities.

The conclusions of the EGI's Fact Finding Report need to be considered by all stake holders objectively and dispassionately:

- *The state government seems to have facilitated the majority community's anger against the Kukis through several seemingly partisan statements .*
- *While the early days of killings and the role of social media has been well documented, it is now visible that the ethnic divide deepened progressively through fake news, which finds space largely in Imphal media.*
- *Communication blockade by the government had a deleterious impact on journalism as it directly impacted the ability of journalists to communicate with each other, their editors and their sources. The media had a vital role to play by informing the wider populace inside Manipur and externally, across India, about the spread of the ethnic violence and to raise questions of accountability of state agencies and other institutions in effectively reducing the ethnic violence.*
- *The media agencies seen to be tacitly or openly espousing the Meitei discourse, were found to be a party to the vilification of the security forces, especially the Assam Rifles, as being partial to the minority Kuki community, leading to the demand that the Assam Rifles should be changed.*
- *The state government also tacitly supported this vilification by allowing Manipur Police to file an FIR against the Assam Rifles, suggesting that the political executive was clearly taking sides;*
- *The State made a mistake in banning the internet. An internet ban only feeds rumours and blocks the views of the disadvantaged community as has clearly happened in Manipur.*

It is shocking that a Government whose own constitutional and criminal complicity is being pointed out should instead of accepting responsibility for its various acts of omission and commission which has resulted in a tragic loss of life, should turn around and shoot the messenger instead. It was reported that the Chief Minister in a press conference criticized the Editors Guild team saying that "They are anti-state, anti-national and anti-establishment (people) who came to pour venom. Had I known it before, I would not have allowed them to enter," This language of 'anti-national' and 'anti-establishment' is nothing other than an effort to intimidate any discourse which deviates from the state government's narrative, into silence. The government is using both the criminal law as well as branding of a respected body such as the Editors Guild as anti-national, to cow down all dissent.

It should be pointed out that if the Government had so desired they were entitled to challenge the Editors Guild report on facts as well as interpretation, through a press statement or press conference stating the alternative facts and meanings. However instead of taking this constitutionally sanctioned path to challenge the findings of the Editor's guild, the Manipur

police seeks to shut the entire narrative down through criminal law. By doing so the Manipur administration has again shown its utter contempt for the Constitution. The Chief Minister must take responsibility for this serious constitutional dereliction.

We strongly condemn this action of the Manipur state in seeking to restrict the core freedoms which make India a constitutional democracy. What is going on in Manipur is a national shame, which according to most independent sources has been aided and abetted by the active complicity of state government while the central government has chosen to look on. When the institutions of the state fail to ensure the rule of law and protect the life of ordinary citizens, exposing the same is a constitutional duty and not a criminal offence.

This is not the first FIR against those who have articulated a different narrative from that of the State. Since the conflict started on 3rd May, 2023, several such FIRs have been filed against anyone highlighting a different narration of events exposing the role of the CM, the State Government or majoritarian organizations. This includes the FIR against an all women NFIW Fact-finding Team, with an independent advocate, which visited Manipur and released a Fact-Finding Report. It also includes an FIR filed against academics like Prof Kham Khan Suan Hausing of Hyderabad Central University, who has been similarly charged for giving a television interview on the issue. What is symptomatic of the hate politics of majoritarian Meitei groups in Manipur is that Prof. Kham is even being denied legal representation by attacking lawyers in Imphal forcing them to withdraw their appearance on his behalf in court.

The PUCL stands in solidarity with the Editors Guild and its members and demands that

- The two known FIRs against the members of the Fact Finding team, Seema Guha, Sanjay Kapoor and Bharat Bhushan, as well as the President of the Editors Guild, Seema Mustafa, must be withdrawn immediately.
- In the event that it comes to public attention later that other FIRs have been registered against the FFT or the EGI, on the same Report or cause of action, these FIRs should also be dropped and withdrawn. No new FIRs should be permitted to be registered against them regarding the release of the FFT Report.
- The concerns raised by the Fact Finding team vis a vis an administration that favours one ethnic community over the other, justice for sexual violence, biased nature of the media reporting be addressed immediately by the authorities
- Internet access be restored with immediate effect as the ban is a disproportionate and arbitrary action which negatively affects the constitutional right to speech and expression under Article 19(1)(a)
- The current administration headed by Biren Singh must resign forthwith. No end of the conflict seems to be in sight under his leadership.
- The Union Government must intervene and address the issues of conflict urgently and ensure an end to the ongoing violence and the cycle of hate, suffering and death.

Kavita Srivastava, President

Dr. V. Suresh, General Secretary

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