

# Freedom's fault lines

*The detention of a Manipuri journalist Kishorechandra Wangkhem under the National Security Act has uncovered fissures within the media while revealing the dictatorial mindset of the state's rulers*

By- Yambem Laba



In his earlier avatar as a journalist N Biren Singh was editor of a vernacular daily. During this time, he was arrested by the State on a charge of sedition. The only saving grace was that he was arrested along with the late Thanaojam Iboyaima, a man revered as the Jayprakash Narayan of Manipur. He had published a statement issued by Iboyaima and was dragged in as an accomplice. The entire State rose up and the government was compelled to release the duo. Biren emerged from custody as a hero of sorts, adorned with garlands. That was also perhaps the time he must have thought of entering politics. In 2002, he entered the fray on a Democratic People's Party Ticket and won along with Dr. Th. Meinia Singh, the current Lok Sabha MP. It did not take long for the duo to join the Congress bandwagon under the stewardship of chief minister Okram Ibobi. Dr Meinia left state politics having been elected as a MP and Biren soon began a Cabinet Minister.

Then in October 2016, he left the Congress and joined the BJP to become Chief Minister of the trouble-strewn state of Manipur located in India's North-eastern corner, and the rest is history. Even as chief minister, Biren continued to operate his Facebook account except that it is now believed that he has a team to manage it propping up his image and also acting as storm troopers trolling those who criticise him.

So, when earlier in the year, Kishorechandra Wangkhem posted an offending post on Facebook using a four letter expletive, he was immediately taken into custody. When this happened, the journalistic fraternity in the form of the All Manipur Working Journalists Union (AMWJU) went with almost folded hands and pleaded with Chief Minister Biren to seek his forgiveness. At the same time, it also extracted an undertaking from Kishorechandra not to repeat such offences and told him he would bear all responsibility should he repeat the offence. That was in August 2018. A benevolent Biren is said to have forgiven him then.

Then, in November, the Mahila Morcha of the ruling BJP in Manipur decided to celebrate the birth anniversary of one of the heroines of the 1857 uprising. CM Biren eulogised her exploits and its relevance to Manipur. That was probably when the funny bone in the maverick journalist Kishorechandra must have got tickled for he went on his favorite jaunt again via Facebook. This time he used more expletives and even his middle finger and included Narendra Modi in his tirade.

An irate Biren had him locked up and he was produced before the Chief Judicial Magistrate who after examining his tirades found him not guilty of having any seditious intention in his outburst and set him at liberty.

This must have infuriated Biren for the very next day a couple of policemen in plain clothes landed up at his house and whisked him away stating that the SP wished to see him and that he would be back by the evening. And when evening came and Kishorechandra had not returned, his wife went to the SP's office and discovered that he had already been shifted to the Sajiwa Jail. The next day the cops returned to his house and delivered orders



Kishorechandra Wangkhem

Chief Minister N. Biren

stating that he had been detained under the National Security Act.

A nationwide and international floodgate of protests opened up. The first to react was former Supreme Court Judge and former Chairman of the Press Council of India Justice Markandey Katju who stated that "in the essence of democracy people have the right to criticise the government and ministers for what else is democracy but rule by the people?" The Chief Minister of Manipur, he said, was behaving like a "little dictator" and added that a flagrant violation of Article 19(1)(A) had taken place in Manipur by detaining journalist Kishorechandra Wangkhem under the NSA.

This was followed by a tirade from the Indian Journalists Union (IJU). The IJU reiterated that detention under the NSA violated the freedom of expression guaranteed under the Indian Constitution while adding that it was a blatant misuse of NSA by the authorities. It called for immediate revocation of the detention order under the NSA and the unconditional release of Kishorechandra as his liberty would not in any way be detrimental to the security of the state and to the maintenance of public order. IJU President and Press Council of India member Amar Devulapali and general secretary Sabina Inderjit had asserted that the detention of Kishorechandra must be seen as an attack on the freedom of expression and most undemocratic. It was however critical of the vulgar words and expressions used by Kishorechandra against the functionaries of the central and state governments but added that the freedom of expression includes the right to offend.

Meantime, Kishorechandra's former employer and Acting President of the All Manipur Working Journalists Union (AMWJU) Brozendro Ningombam stated that the detention under the NSA did not in anyway change the stance of the Union as he had violated the understanding reached by AMWJU's Standing Committee arrived in August in which the AMWJU had washed its hands of any private postings on social media. Not to be left behind in the outcry against the arrest of Kishorechandra, the Congress also stepped in.

Congress spokesman Kh. Joyksihan thundered that the Chief Minister

himself was once arrested on charges of sedition when he was an editor and the court had let him go and he should remember that. By arresting Kishorechandra under the NSA for saying something against the Government after the judiciary had let him go proves that that it is the BJP that is the law breaker and not Kishorechandra. He added that "this dictatorial action of suppressing the judiciary will remain etched in history, they have no respect for the verdict of the courts, there is an undeclared emergency in the state right now and the media houses are afraid to come out against the arrest for fear of reprisals from Biren."

Then came the bombshell from the Acting President of AMWJU, Brozendro Ningombam who shot off a letter to the President of the IJU asking the parent body to stay clear of the Kishorechandra case warning that the AMWJU might pull out of the IJU should the interference continue. He also contended that Kishorechandra is not a journalist but a mere news reader. But what takes the cake is the fact Brozendro said that there had been no response either from Civil Society organisations or from any of the underground groups and hence the matter of his arrest lacks merit.

In the meantime, the matter was brought to the notice of the United Nation's Special Rapporteur at the office of the High Commissioner for Human Rights, Prof. David Kaye by Babloo Loitongbam of Human Rights Alert urging him to issue an urgent appeal to secure the release of Kishorechandra. This appeal was made during a meet held in Bangkok between 20-22 December.

Then, pressure began mounting from various quarters notably the students stating that they would ban the sale of newspapers except for an English daily and an evening paper as by virtue of their silence on the matter the rest have been supporting the action of the state. Yet others warned the State of bigger agitations in case the situation is not diffused in time.

At the same time, the police began conducting midnight visits on persons known to have been espousing the cause of Kishorechandra in a reminder of the emergency days. On 25 December a special general body of the AMWJU and representatives of the Editors' Guild was called at the Manipur Press Club.

Seated were on the dais were Brozendro Ningombam, R.K. Nema Singh IAS (retired) and now a working journalist, Rupachandra Yumnam, Secretary of the Editors Guild of Manipur and myself as an elder of the journalistic fraternity. My contention was simple – granted that Kishorechandra is a maverick but he is still one of us and I stated that when a stray cow enters one's compound you do not use an AK-47 rifle to shoot it away. At the end of the day, Brozendro apologised for having called Kishorechandra a non-journalist and also that he would withdraw his earlier letter to the IJU asking them to stay off the case. Then the house unanimously resolved to condemn the arrest of Kishorechandra under the NSA by the State Government in the strongest terms and urged for his unconditional release at the earliest.

Then came the call from the South Asia Media Defenders Network (SAMDEN) comprising some of the biggest and most respected names in journalism in South Asia including those based in the UK and the USA who have written to the Chief Minister stating that "out of concern on issues of freedom of expression and media rights in Manipur", the organization is concerned about the rights of journalists who face pressure from any quarter in the course of their professional duties or right to free expression. It urged the state government to release Kishorechandra and to clarify as to how his conduct and words though seemingly inappropriate threaten national security. The National Media Forum, Bangalore has also urged the Chief Minister to drop all charges made against Kishorechandra. The Brihannumbai Union of Journalists have reiterated that the NSA is to be used against enemy aliens and that too during times of national emergencies or wars. It added that Kishorechandra's detention is unprecedented and bodes ill for democracy. The Asian Forum for Human Rights and Development (FORUM ASIA) has also urged the release of Kishorechandra and demanded that repeated crackdown on dissent and democratic space be stopped.

All these notwithstanding the matter had already come up for discussion in the BBC and on various national media and TV channels.

The Human Rights Law Network headed by Supreme Court lawyer Colin Gonsalves in its national meet held earlier in Rajsathan had also held that the utterances of Kishorechandra do not tantamount to any violation of the articles of the Constitution of India.

The question remains whether N. Biren Singh will still stick to his stand as told to a news channel – that while he is willing to take criticism relating to his governance, he will not tolerate personal insults to him and national leaders – or ostrich-like stick his neck in the sand and pretend that nothing is happening around the arrest of Kishorechandra.

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