

# **Committee for the Protection of Democratic Rights**

**C/o Super Book House, Sind Chambers,  
Colaba Causeway, Bombay-400 005,**

**AIMS & OBJECTIVES**

**CONSTITUTION**

**CIVIL LIBERTIES MOVEMENT—  
A PERSPECTIVE**

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# COMMITTEE FOR THE PROTECTION OF DEMOCRATIC RIGHTS

## AIMS AND OBJECTIVES

1. The sudden imposition of the emergency on 25 June 1975 raised the issue of democratic rights and civil liberties before all sections of the people in a manner never raised before.

2. Looking back it can be seen that a steady violation of the hard-won democratic rights and liberties, especially of the working class, working peoples and peasantry, had begun in an earlier period much before June 1975, and that due to the weakness of a broad-based democratic movement during this period, the state could gradually build up, strengthen and centralise its oppressive apparatus without facing any effective opposition from the people. The emergency marked a significant trend towards greater centralisation of power, when as a result of the inherent economic crises of the Indian economy, coupled with the sharp political crises within the ruling circles at the time, the Congress Party imposed the emergency to maintain themselves and the interests they represented in power.

3. The most important lesson of the emergency was of how the state machinery (judicial, legal, administrative, police, intelligence, para-military) and the mass media serves the interests of the ruling classes at the cost of the lives and liberties of millions of the people.

4. The CPDR, therefore, holds that these democratic rights that exist in the Constitution can be realised only by vigilant movements and expressions of the masses of the people.

5. Even today there remains an alarming divergence between the reality that millions of weaker and deprived sections of the people, both in the cities and villages face, and the so-called sanctity and equality before the law "guaranteed" by the Constitution, whereby democratic rights and civil liberties are supposed to be equally applicable to all citizens of India. The situation particularly for the vast majority of the peasantry, is one in which all democratic rights and civil liberties are denied, where the peasant and his family are enmeshed in an oppressive web of a subservient relationship with the small, but powerful section of landlords, moneylenders and traders. This powerful section, through the interweaving ties of tenant farming, bonded labour and recurring indebtedness totally dominate and control the power structure in the village with the help of the state machinery and the naked power of their hired goondas.

6. Insofar as the meaning of democratic rights for the working class and working people are concerned it means the right to engage in various forms of struggle for their demands, the right to organise in trade unions of their own free choice ascertained through a secret

ballot, the right to elect their union representatives at all levels, and last but not least, the right to go on strike, etc. to press for these and any other demands without the intervention of the state. The CPDR is particularly concerned at the attempts of the state to trample upon these rights that have been won by the working class and the working peoples through the course of many years of hard struggle.

7. The oppressed and exploited castes and tribes are even more so victims to the violation of their fundamental civil rights, as they are not only victims of the economic system, but still more of the social system. Oppressed by age-long prejudices which have in recent years been reinforced by the upper castes maintaining their superior economic position, the oppressed castes and tribes face a dual form of oppression which manifests itself in the majority of them having to constantly live under a perpetual state of "emergency". Those that do attempt to protest against this relentless oppression, face the reality of loosing their lives at the hands of their caste oppressors, while the state, at worst aids and abets in this oppression, at best, engages in token ameliorative gestures.

8. Despite the promises of equality of sexes in the Constitution, women have always been, and remain socially and economically oppressed.

9. Students confront an undemocratic educational system which serves neither their needs nor those of the masses of the people. Student struggles stemming from this, which demand more democratic educational institutions and an educational system more relevant to the needs of the people is an important part of the movement for democratic rights.

10. The CPDR also holds that the question of democratic rights is related to the question of safeguarding the economic, political and cultural independence and national sovereignty of our country, as well as those of other countries.

11. The CPDR holds that the question of oppressed nationalities as well as the question of freedom and equality of peoples, languages and nationalities is also very much a question of democratic rights. The CPDR views with the greatest concern any attempts to use language as a means of dominating a people and holds that in those cases/situations where disputes arise, solutions should be found by the democratic process of holding a free plebiscite in the area or among the peoples concerned.

12. The CPDR holds that the struggle of the mass of the people to genuinely participate in the cultural, economic and political forces that affect their everyday lives constitutes a vital force in the creation and sustenance of a truly democratic society.

13. The CPDR maintains that every individual should have the right to hold and propagate whatever political ideology he/she believes

in. The CPDR will constantly struggle against any attempt of the state to encroach upon this right or victimise any person for holding or expressing their political line or ideology.

## **ACTIVITIES**

I The CPDR will be an independent democratic organisation consisting of all those who agree with its aims and objectives. It will be independent of any political party.

II The CPDR will initiate action on issues that relate to the protection of, or expansion of democratic rights and will join all sections of the people, outside of, and within their own organisations, trade unions, student unions, women's associations, peasant associations, political parties, etc. to build a mass movement for the realisation of democratic rights and civil liberties.

III The CPDR will develop through propaganda and activities an understanding and awareness among all sections of the people, specially among the more backward and vulnerable sections of society that the struggle for democratic rights is a necessary element in the struggle against poverty and exploitation.

IV The CPDR will constantly struggle against the open and hidden forces of fascism and will explain and expose the social, cultural, economic and political conditions that give rise to these forces.

V Among issues on which public opinion and movements need to be generated are :

(i) The immediate and unconditional release of all political prisoners, for example, Naxalites, CPI(M), Nagas, Mizos, PAC jawans.

(ii) Abolition of the death penalty.

(iii) Repeal of 42nd Amendment and all laws that enable the detention of people without trial (MISA, DIR, etc.).

(iv) Repeal of Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act 1971, and the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Act, 1975.

(v) Denotification of all areas declared as "disturbed areas" such as those in Nagaland, Mizoram, Andhra Pradesh.

(vi) Ban on the use of torture in police custody and the supervision and periodic examination of all prisoners/under-trials by civil liberty organisations.

(vii) The stopping of the use of para-military and armed forces in civilian disturbances arising out of economic, political or social problems, and the disbandment of para-military forces specially created for the purposes of "intervening in internal disturbances"

(viii) Reform of the judicial system to make it more accessible and unbiased towards the weaker sections of society.

(ix) Constant vigilance to prevent the social discrimination in justice, torture and death inflicted particularly on the oppressed and exploited caste and tribes and the poor peasantry.

(x) Ensure a free and uncensored press, independent of the state and of the monopolist interests.

(xi) Establish the right to recall all elected representatives to parliament, legislatures, municipal and local bodies.

**VI Unite** with all civil liberties and democratic rights organisations.

Committee for the Protection of Democratic Rights,  
C/o Super Book House,  
**Sind Chambers**, Colaba Causeway,  
Bombay 400 005

Bombay  
September 1977.

# COMMITTEE FOR THE PROTECTION OF DEMOCRATIC RIGHTS

## CONSTITUTION

The Committee for the Protection of Democratic Rights is a democratic mass organisation fighting for democratic rights and civil liberties of the people of India.

Its address will be : C/o Super Book House, Sind Chambers, Colaba Causeway, Bombay 400 005

Its financial year will be April 1st to March 31st.

### I MEMBERSHIP.

1. The Organisation shall consist of : (a) Ordinary Members; and (b) Institutional Members
2. Anybody agreeing and willing to abide by the Aims and Objectives of the CPDR is eligible to become a member if he/she so desires
3. Every student and non-earning member shall pay a subscription of Rs. 5/- per annum; every earning member shall pay a subscription of Rs. 10/- per annum. Members can join the CPDR any time during the year but the subscription will be valid only upto the end of the financial year.
4. Every member of the organisation shall be bound by the provisions of the Aims and Objectives of the organisation and this Constitution and by all rules, bye-laws and decisions from time to time made, or taken, by the organisation.
5. Any democratic organisation barring political parties agreeing and willing to abide by the Aims and Objectives of the CPDR is eligible to an institutional membership in the CPDR. (a) The concerned institution/organisation will send one individual either elected or nominated by it to represent it on the CPDR General Body. (d) The nominated or elected individual will be fixed for atleast one year. (c) The institution/organisation concerned may change it's representative during the year if it so desires but the CPDR must be intimated about such changes in a formal manner, a note signed by an office bearer of the institution/organisation. (d) The institutional representative is entitled to one vote. (e) Other members of the same organisation/institution can become independent ordinary members of the CPDR, (f) The institution/organisation will have to pay a membership fee of Rs. 10 per annum.
6. Every ordinary member of the CPDR is entitled to one vote.

### II GENERAL BODY

1. The General Body shall be held once a year, within a period of 15 (fifteen) months from the date of the last General Body Meeting.
2. The quorum for all General Body meetings shall be 1/3 of the total membership of the CPDR. However, if the quorum is not present at the

puted time of the meeting the Secretaries can adjourn the meeting for half an hour after which the meeting can carry on irrespective of the number of people attending the meeting.

3. Intimation about all General Body meetings along with agenda must be made public atleast 15 days before the date of the meeting.

### III EXECUTIVE COMMITTEE

1. There will be an election to the Executive Committee every financial year. This election will take place on the first General Body meeting after March 31st every year.

2. Any member of the General Body barring those mentioned in Sec. (III)3 is eligible to stand and get elected on the Executive Committee if he/she so desires.

3. No member is eligible to stand for the elections to the Executive Committee if he/she : (i) is a member of a political party, and (ii) has not paid their annual membership fee.

4. The Executive Committee will consist of 7 members, including office bearers, all of them duly elected directly by the General Body.

5. The Executive Committee will draft policies and programmes for the CPDR to be ratified later by the General Body.

6. The Executive Committee will co-ordinate all the activities of the CPDR.

7. The quorum for the meetings of the Executive Committee shall be 2/3 of the entire Committee.

8. Intimation about all Executive Committee meetings along with the agenda must preferably be given atleast 48 hours before the time of the meeting.

9. The Executive Committee will co-opt a President and Vice-president onto the Executive Committee.

### IV OFFICE BEARERS

1. The office bearers shall be as follows : One General Secretary, one Joint-Secretary and one Treasurer.

2. The office bearers shall be directly elected by the General Body.

3. The Secretaries : (a) Will keep the minutes of all the Executive Committees and General Body meetings. (b) Will maintain the report books of the various sub-committees of the CPDR. (c) Will convene and undertake to inform all members about every General Body and Executive Committee meetings. (d) Will prepare the agenda of both the Executive Committee meetings, and General Body meetings, (e) Will present the Annual Report at the end of the financial year.

4. The Treasurer : (a) Will maintain the books of account of the CPDR.

(b) Immediately after elections the Treasurer will present a budget for the forthcoming year. (c) Will co-ordinate all the finances of the CPDR. (d) Will present the final income-expenditure and balance sheets at the end of the financial year at the General Body meeting.

#### V SUB-COMMITTEES

1. To facilitate the smooth functioning of the organisation's activities Sub-committees may be formed by the Executive Committee from time to time.
2. To allow for proper co-ordination at least one member of the Executive Committee will represent the Executive Committee on the sub-committee.
3. Members of the sub-committees shall be members of the General Body.
4. Members of political parties may become members of such sub-committees if they so desire.
5. All sub-committees are responsible to the Executive Committee.

#### VI ELECTIONS

1. The Executive Committee shall appoint an Election Committee every year atleast 30 days before date of the elections.
2. All elections will be conducted by secret ballot.
3. The Election Committee should lay down the procedure for filings nominations, etc atleast 20 days before the date of elections.
4. The Election Committee shall be an absolutely impartial body.
5. The entire procedure of putting in ballots as well as counting of vote must be done in one sitting.
6. The Election Committee will be considered dissolved immediately after the elections are over.
7. All members must be proposed and seconded by atleast one member each.
8. Voting by proxy will not be permitted.

#### VII RESOLUTIONS

1. There will be 2 types of Resolutions (a) Ordinary Resolutions. (b) Special Resolutions.
2. Vote of no confidence motions, recall of any particular Executive Committee member, amendments to this Constitution and the Aims and Objectives of the organisation will be considered as Special Resolutions.
3. All other resolutions will be considered as Ordinary Resolutions.
4. Any ordinary resolution may be tabled either in the Executive Committee or in the General Body with the permission of the Chair.



# CIVIL LIBERTIES & DEMOCRATIC RIGHTS :

## A PERSPECTIVE

### HISTORY

Though civil liberties organisations have existed in the country since 1947, the first real widespread interest in civil liberties came when the nation was shocked by the inhuman tortures and killings that were perpetrated by the police on revolutionaries in 1970/71. This led to the mushrooming of a number of civil liberties organisations throughout the country. But these were small and confined to a few intellectuals who had, till then, harboured the illusion that such things were only possible in Iran or Brazil, but not in the 'largest democracy in the world'.

Then came the emergency. Now, not only revolutionaries, but even liberals and all parliamentary opposition had to face the wrath of the rulers. Civil Liberties bodies ceased functioning, while the entire opposition was pushed underground. The horrors of the Emergency brought to the entire nation, and specifically its organised and more vocal sections, the extent to which our 'democratically' elected rulers can go.

The anger against the Emergency was released with the announcement of elections in early 1977 and this, coupled with the confidence generated by the victory of the Janata gave rise to a spontaneous movement for civil liberties and for the release of political prisoners, especially amongst the middle classes. Over 60 civil liberties organisations appeared all over the country, whose support came from numerous intellectuals and liberals who were drawn into politics after witnessing the brutalities perpetrated on their own class of people during the Emergency. The backbone of these organisations comprised chiefly of sections from Janata as well as those groups who were already active prior to the Emergency.

But with the Janata coming to power and the release of most political prisoners, the civil liberties movement lost its earlier tempo. Also, the Janata Party support to the civil liberties movement after coming to power, to a large extent, diminished. At a national convention held in August 1977, top Janata leaders, like Krishna Kant, declared that, there was hardly any need now for a civil liberties movement, as democrats had come to power.

Janata proclamations aside, the killing in cold blood of workers of Dalli-Rajahara, Swadeshi Mills, Bailladilla,

Pantnagar and elsewhere, as also the introduction of numerous undemocratic legislations such as mini-MISAs, the Industrial Relations Bill (1978), the Essential Services Maintenance Act (1979), the Hospitals and Educational Institutions bill and the turning of a blind eye to the declaration of 'Disturbed Areas' and the massive repression of the peasant organisations by the Andhra Govt.; had led many to believe in the necessity of civil liberties organisations even in Janata rule. Though interest waned and a majority of the organisations folded up, some continued and have strengthened their base.

Today, with the return of Indira Gandhi, back to power and our civil liberties being systematically curtailed over the last six months, the danger of reversion to Emergency type rule is imminent. There exist now, a few civil liberties organisations scattered throughout the country. There is an urgent necessity to build these organisations into an effective fighting force. But in order to do so we must realise within what constraints we shall have to work, and from among whom to expect the best responses. First we shall analyse the social conditions within the country and the people's attitude towards civil liberties. This will give us an idea of the practical needs of the movement and how best to solve the specific tasks facing these organisations.

### SOCIAL CONDITIONS IN THE COUNTRY

India, a backward country, has a tradition of authoritarianism. Structurally this emanates from the very basic social unit, the family; while ideologically it is deep-rooted in the very psyche of the Indian. Superstition religion and the lack of rational thought create in the Indian mind the worship of a superior being on earth as well. This form of thinking creates the material basis for the rise of an authoritarian, whether it be the head of a family, or a leader in a social group or party or the political head of the country.

Unlike Europe or Russia or China, India has not seen a democratic movement of any real significance. Unfortunately even the independence movement against the British reverted to the past as the basis to mobilise the people. The leading people in the national movement, like Tilak and Gandhi, were themselves deeply steeped in backward and traditional ideas and strongly opposed modern views and norms. Tilak would not tolerate, in any way, the breaking with hindu Tradition; while Gandhi for all his liberal views, was a devout hindu, a practising brahamchari and vehemently opposed the modern machinery, science and industry. The freedom struggle could have acted as the basis for shattering old traditions and values and un-

leashed a democratic movement and culture; but it did not. The result was a superficial set of democratic values initiated by Western influenced and foreign returned Indians, which were sought to be superimposed on the existing feudal and autocratic social structure. This, of course, could not and did not go very deep.

Today, the situation is much the same. Democracy has little meaning for the majority, who live in an environment which is autocratic in every respect. It probably has some meaning only for that section of the intelligentsia which has been influenced by western concepts of democracy. It is then no wonder that, even after the Emergency, when the civil liberties movement was at its peak the democratic movement did not go much beyond a movement for the release of political prisoners and was unable to grip, to any significant extent, anyone but the intelligentsia.

The urban poor and rural masses have never known what real freedom means; enslaved not merely by the powerful sections in the society, but also by the limits of their thinking and the lack of scientific and modern knowledge, they cannot conceptualise freedom within their existing environment. It is for these reasons why civil liberties organisations have not been able to get a wide base and take root within the country. But despite these conditions the need for civil liberties movement is great, specifically with Emergency-like conditions fast emerging.

#### THE NEED FOR A CIVIL LIBERTIES MOVEMENT

With over two-thirds of our population living below the poverty line, the basic demand of the people is for food and the other basic necessities of life, and the people have to struggle to get it. This is basic. But the government and ruling classes are unable to give people food and meet their basic needs. In fact, rising prices, wage freeze, etc. are continuously lowering the living standards of the people. This results in more acute struggles. The government then resorts to more and more undemocratic and repressive measures to save itself from the people's wrath. Simultaneously it uses diversionary tactics, to misdirect people's anger, at each other. Trade-union rivalry, communalism, casteism etc. are now age-old methods in India for 'divide & rule'. With increasing undemocratic measures (the legitimacy for which is put on increasing communal violence) people lose their freedom to organise and express their views and so are hampered in their struggle for a better life. Therefore the struggle for civil liberties is part and parcel of the entire struggle of the oppressed for a better life. Though the struggle for civil liberties is not a direct struggle for better conditions, it aids the struggle of the workers and

peasants in as much as it (a) helps create the conditions that facilitate organisation and struggle, (b) directed against the same authorities and so gives further strength to a common struggle for a common cause.

Therefore the civil liberties movement must be seen as a support to the struggles of the people who are fighting oppression. It gains specific significance when these struggles are strong, for it is then that repression is most ruthless. In fact, in times of Emergency-like situations, the civil liberties movement, will take on far greater significance as, in such conditions, all rights of organisation and free speech will have been lost.

Given these factors, it will be seen that the civil liberties organisations will consist specifically of individuals from the middle classes and the intelligentsia and, to some extent, from the enlightened workers. The mass of workers and peasants will be organised in their respective trade unions and affiliated to the various political parties. The civil liberties organisations should ally with trade unions in urban and rural areas under democratic leadership so that (a) demands of a common nature involving civil liberties can be jointly undertaken and (b) support can be given to the workers and peasants in their struggle against the unjust actions of the government and the authorities.

#### TASKS OF THE CIVIL LIBERTIES ORGANISATIONS

The major task facing the civil liberties movement is to build its strength in order that it is able to put up sufficient resistance to the undemocratic measures adopted by the STATE. This can be done on three fronts:-

- (1) raise democratic conscience and organise resistance to the increasing infringement of civil liberties at all levels.
- (2) organise legal aid and other forms of assistance to victims of Government and State persecution.
- (3) infuse rational thinking in the people and counter specifically, caste and communal ideas.

(1) Whether it is on questions of police brutalities and tortures or undemocratic legislation by the government or the detention of political opponents, Civil Liberties organisations should have sufficient strength to build up units of opposition throughout the country. This is specifically important in the country today, when the parliamentary opposition is totally ineffective and highly discredited. In the struggle for civil liberties we cannot depend on any of the parliamentary parties as all have exceedingly tarnished record. Whether it be the Janata in

the 1977/79 period, or the CPI or CPM in Kerala, West Bengal and Tripura, all have utilised highly undemocratic measures, force to curb the struggles of the people while in power. It is therefore incumbent that civil liberties bodies be created that are completely independent of these parliamentary parties. There is, no doubt, that these parties do at times, put up a half hearted resistance to the infringement of civil liberties when in the opposition. But this is done with the intention of gaining political leverage against the ruling party. History has shown that these same parties can turn as ruthless when in power. We should, therefore, not be misled by high-sounding phraseology and in some cases sporadic activity of these parties and allow ourselves to become an appendage of any one of them (or their frontal organisations). It is imperative that civil liberties organisations remain independent of controls these parties.

But, specific issues must be taken up and fought together with any political party (so long as they are prepared to fight) or group. In order to draw more people into this movement it is specifically necessary to take up those issues which can rouse the indignation of the people. Immediate opposition to, say, a killing in police custody or the banning of a popular play, can, at times, draw more people into the movement, than agitation against some undemocratic legislation which do not immediately and directly affect the people. That is not to say that we should remain quiet on such issues but we should combine the two in such a way that it helps build our organisational strength to the maximum.

(2) Civil Liberties organisations must, specifically, have strong units amongst the lawyers. In the battle for civil liberties, lawyers have two important roles to play: (a) to give legal aid and other forms of assistance to victims of the authorities, to enable them to continue the fight and (b) to take the battle of civil liberties also to the law courts and continue the struggle there.

(3) caste, communal and other forms of backward thinking act as fertile ground for undemocratic and fascist measures undertaken by the government and State authorities. Democratic ideas can specifically be inculcated in the people through cultural activity and through drawing people into the democratic struggles of the people.

To summarise, the major task facing the Civil Liberties organisations is to increase its strength and direct it specifically against the State.

#### THE STRUCTURE OF CIVIL LIBERTIES ORGANISATIONS

The organisational structure must be geared to meet

the tasks just enumerated. Firstly, given our social and economic conditions, it would mean that membership of civil liberties organisations will come primarily from the middle-classes and the intelligentsia. Secondly, the organisation itself should be closely linked with unions of workers and of peasants under democratic leadership in order that it widen its base. And thirdly, its leadership must stay clear of control by parliamentary parties, in order that it may consistently fight for civil liberties whichever party is in power.

Under the present conditions all these are easier said than done. Firstly, middle-class inertia does not help to draw people towards civil liberties issues. This restricts our organisational strength. Secondly, most unions are bureaucratically run and under the influence of one party or the other, none of which have shown much interest in questions of civil liberties. (Unfortunately even those unions like AITUC & CITU, who one would have expected to have come forward on such issues, have failed to act in any way different from other unions.). This makes our associationship with unions exceedingly difficult and limited, which in turn restricts the extent of our influence. And thirdly, the parliamentary parties are consistently seeking to influence such organisations and utilise them to serve their party interests, at the cost of the civil liberties movement. This aggravates tensions within the organisation (specifically at such times as during elections) and splits the movement. This disillusiones the existing members of the Civil Liberties organisation, creates divisions and so weakens our strength. But these hurdles, imposed on us by the existing conditions, where the masses are still deep in the clutches of a bureaucratic leadership geared to self-aggrandizement and vote-getting, have yet to be crossed before the masses can be free to join a democratic mainstream. The hurdles can only be minimised, by utilising the above methods of organisation, their solution lies beyond the scope of Civil Liberties organisations alone.

### PERSPECTIVE

Our country is heading for an unprecedented economic crisis, in which all, excepting the very rich and their political associates, will suffer a great deal. This is bound to lead to more intense, if not violent, struggles of the people to gain economic justice. This will result in the government adopting exceedingly heavy-handed measures; both, in the form of legislations restricting people's right to organise and to free speech; and also in excessive police action in those areas where people are able to organise and fight.

Therefore civil liberties organisations will have a more important role to play in the future. As a first step towards a more effective movement it is necessary that civil liberties organisations, however small, must work together more closely so that a more effective struggle can be launched against the undemocratic policies and actions of the government. Secondly, each organisation must strive to enhance their local base and build stronger organisations, specifically gaining the support of the intelligentsia and of the lawyers and the democratically led unions. And lastly, existing activists must not lose heart in the face of the tremendous odds facing the movement; the rulers and their fascist methods stand more and more naked before the people with each passing day. All their onslaughts on the people will isolate them further and the movements for civil liberties and justice cannot but gain strength.

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