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ANNUAL REPORT-1984

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS

30, December, 1984.

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The new executive started functioning from Dec. 18, 1983. We present below an account of our organisation and its activities since then.

I. We will start with the issues where we were able to respond at the minimal level of issuing press statements which were covered in some national and regional papers. Among these are statements concerning police lathi-charge on a women's march on Women's International Day, March 8 in Bangalore, the functioning of the tribunals prosecuting activists of the All India Sikh Student Federation, the killing of the General Secretary, MKSS, Krishan Singh in Bihar, Mr. Hidayatullah's statement questioning public interest litigation, the beating up of a journalist in Pitthogarh, the dismissal of NTR ministry in Andhra, the all-India signature campaign against the Terrorist Affected Special Courts Act, and the police harassment of leading Punjab dramatist Gursharan Singh and his cultural troupe in Bombay. We also gave a joint statement with PUCL on the arrest of Dr. Vinyan, heading a trade-union in Bihar.

II. Fact-Finding:

- i) Following reports of repression on a popular movement against liquor-traders, in May. We sent a fact-finding team to Kumaon. Its findings were released at a press conference and received good publicity.

We published a Hindi booklet of this report. The bulk of the copies were sent to Uttarakhand Sangarsh Vahini which is leading the struggle.

- ii) In Gadchiroli (Maharashtra) police terror was let loose on tribals and activists on the occasion of the first conference of the Adiviasi Ryot Coolie Sangham in February. In addition to issuing a press statement and letters of protest to the District Collector and

Chief Minister, we participated in a joint fact-finding team with CPDR (Bombay and Nagpur).

- iii) We conducted a joint fact-finding with PUCL(Delhi) in March concerning demolition of jhuggies in Shalimar Colony, Delhi, and published a cyclostyled report. We also issued a press statement.
- iv) Following reports in October of attack by management goons on trade-union workers of the Vanaspati and Food Workers Union affiliated to the CITU, a fact-finding team visited Kundli (Haryana), just across the Delhi border. We issued a press statement on the basis of its findings.
- v) Also in October, at the invitation of M.P. PUCL we participated in a joint fact-finding along with APDR. The team held a press conference at Raipur to release its preliminary findings concerning brutal police and management goon repression on the workers movement at the Bengal Nagpur Cotton Mill in Rajnandgaon. However the report of this team was not finalized and published because a report by Raipur PUCL was published and released at press conferences in Bhopal and Delhi.
- vi) In November we did a joint investigation with PUCL into the Delhi riots. Details of ^{the} joint report are given separately.

III. Meetings

- i) In February we held three meetings at different places concerning the repression on the peasant and tribal movements in Andhra which had been stepped up in January following the deployment of two battalions of the CRPF in the region. The meetings were addressed by the Secretary of APCLC and were well attended. Earlier, we participated in a protest demonstration on this issue.

- ii) In April we held a meeting in central Delhi following our booklet on the democratic rights of women.
- iii) In July we held a meeting jointly with PUCL on the anti-Encroachment Acts on behalf of the Committee against Eviction of Jhuggi-Jhopri Dwellers.
- iv) We are happy to report (except for December) we were able to keep to our resolve to hold meetings every month in Delhi University during its academic sessions. In August, September, October and November, we held meetings on Special Courts Act, Communalism, Women, and the anti-Sikh riots respectively.
- v) In September we participated in a cultural programme in honour of Sareshwar Dayal Saxsena. We presented some of his poems in different regional languages and English.

IV. Publications

- i) In January we published "NTR's One Year" jointly with APCLC, which was later published in Telugu by APCLC. The booklet focussed on violation on democratic rights in Andhra Pradesh. The booklet received good publicity and sold very rapidly (1000 copies).
- ii) In March we published "Inside the Family: A Report on Democratic Rights of Women" which also received a good response. Its Hindi version "Char Divari ke Andhar" was published in May. (1000 copies each).
- iii) In May we published a cyclostyled report, "Kumaon Hills: Peoples Movement and State Policy" and its printed Hindi version, "Kumaon ki Pahariyan." (500 copies).
- iv) In August we published a 4 page pamphlet in Hindi on the Anti-Encorachment Acts. (2000 copies).
- v) Also in August we published a 4 page pamphlet in English and Hindi on the Special Courts Act, "Are You a

Terrorist?" (4000 and 2000 respectively).

As an experiment we did some street-corner sale of the pamphlet (priced 10 p.) which drew an interesting and encouraging response.

- vi) In November we published joint report with PUCL "Who Are the Guilty." A second edition was published in December.

V. Fraternal Relations

In addition to the joint activities with other liberties organisations reported above, our representatives attended APDR, Calcutta convention in August, CPDR, Bombay convention in December, and various meetings and convention of PUCL in Delhi. As in the past, we have been sending them our publications.

VI. Legal

Our lawyers have been hard pressed with a flood of civil liberty cases from different parts of the country. In view of the financial costs and the heavy work required and because of some individuals and groups taking undue and unscrupulous advantage of our legal help, we have decided on certain guidelines given later in this report.

An incomplete list of cases being presently handled by our lawyers is given below.

1. Vivek Pandit Vs. State of Maharashtra and Others

Concerns bonded labour and is due to come up for final hearing soon.

2. K.K. Neogi Vs. Union of India 1981

Concerns slum evictions in a Delhi colony. Stay obtained is still operating. However, if the Anti-Encroachment Acts passed recently are implemented then the eviction of the slum-dwellers is only a matter of time.

3. Bandwa Mukti Morcha Vs. State of Haryana - 1982
Concerns bonded labour, several such cases are pending. The administration is not implementing the earlier SC order obtained (1983) that all relevant labour laws be implemented.
4. Xavier Dias Vs State of Bihar - 1983
Concerns contract labour. We are trying for an early hearing. The Court had asked the Government to enforce all contract labour laws.
5. Daya Shankar Vs High Court of Allahabad and Others
Concerns munsif at Aligarh Court facing discrimination as a Scheduled Caste. Case pending.
6. Mrs. Kuldip Randhawa Vs. State of Punjab - 1983.
Concerns the killing of well-known student leader Pritpal Singh Randhawa. The accused were acquitted. Notice has been issued.
7. R.S. Pathak Vs. Bokhara Steel Plant.
Concerns termination of services of 1000 employees PUDR is co-petitioner. Petition admitted.
8. Mahadev Hansda Vs. State of Bengal - 1983
Concerns under-trials in Midnapore Central Jail imprisoned for more than 20 years. Govt. of Bengal has given an undertaking. Five of the 24 were released unconditionally on S.C. orders. An enquiry in all jails will be made for the release of the remaining prisoners.
9. Mukhoty Vs. Delhi Administration - 1982.
Concerns malpractices and treatment of prisoners in Tihar Jail. No developments.
10. Pradip Prabhu Vs. State of Maharashtra - 1982
Concerns repression of adivasis. An enquiry was set up under a district judge and the report submitted. The case will be up for hearing.

11. Sudip Mazumdar Vs. State of Madhya Pradesh - 1982

Concerns injury and death of tribals eking out a living by collecting scrap on the Army Firing Range. It was referred to a constitutional bench as to whether the SC could accept letters as petitions. Chief Justice has directed M.P. Govt. to give medical relief. Case pending.

12. APCLC Vs. State of Andhra Pradesh - 1982

Concerns Disturbed Areas Act. Matter referred to constitutional bench. Case pending.

13. APCLC Vs. State of Andhra Pradesh.

Concerns police camps in academic institutions, panchayat buildings etc. PUDR is co-petitioner.

14. Sebastian Hongary (NPMHR) Vs. Union and Other - 1983

Concerns habeas corpus/petition to produce C. Paul and C. Daniel who were arrested during army operations in 1982 and never returned thereafter. In a historic judgement the S.C. ordered compensation of Rs. 1 lakh each to the widows and asked the local police in Manipur to initiate criminal prosecution.

15. Dr. Viniyan Vs. State of Bihar.

Concerns retrenchment of 1000 workers of the Irrigation Dept. in Rohtas and arrest of several hundred. Stay order issued against eviction of workers from quarters. Case is pending.

16. PUDR Vs. State of Andhra Pradesh

This petition concerns the stay order issued by the AP High Court on the enquiry to be conducted by Shri K.G. Kannabhiran, on behalf of the court. His enquiry was objected due to his association with civil rights movement. In this case we initially got the stay vacated, but later on the order was recalled. The importance of this case lies in the fact that the

enquiry was over a custodial death of a villager in Fakirkonda 'disturbed' village of Karimnagar district and the manner in which the AP police created hurdles at every step in the conduct of this enquiry. The case is still pending.

17. PUDR Vs. Ministry of Home

This is a case filed on the basis of our report on Delhi riots, "Who Are The Guilty?". The petition prays for an enquiry by court. It is pending.

18. Sinchai Kamagar Union Vs State of Bihar

This case is a follow up of earlier order in the case in which 1000 retrenched workers were reinstated by the court. Following the non compliance of the court order, we once again approached the court and got the workers wages since February, 1984, the first time when they were retrenched, and for the period when they were in jail.

19. Kailash Satyarthi Vs. Dt. Collector, Ganganagar, Rajasthan

This case concerns two hundred bonded labourers. They were set free eventually and have gone back to their homes in Haryana. This is the first such case in Rajasthan.

In addition to these 19 major cases, our lawyers handled a number of cases which include two habeus corpus cases from Golden Temple, Amritsar in the wake of army action, and a case concerning custodial deaths in Bombay and others.

VII. FINANCE

Following is the statement of accounts for the year as on 22.12.1984

Resources		Disbursements	
(1) Opening balance		(1) Printing	16,261.00
i) Cash	1,335.00	(2) Cyclostyling	797.00
ii) Bank	1,337.58	(3) Postage, hall, mike	1,114.00
(2) Sales	19,698.00	(4) Tea & Misc.	171.00
(3) Donations		(5) Loans	
i) by members	4,013.24	i) Repaid	1,237.00
ii) at meetings	294.00	ii) to be paid	7,200.00
iii) for the booklet	606.00	(6) Advance	360.00
(4) Loans	8,437.00	(7) Closing balance	
		i) Cash	4,350.00
		ii) Bank	5,350.82
	=====		=====
	Rs. 36,840.82		Rs. 36,840.82
	=====		=====

Statement of Accounts ("Who are the Guilty")

Resources		Disbursements	
(1) Loans	5,200.00	(1) 1st edition	5,352.00
(2) Sales	4,865.33	(2) 2nd edition	4,712.83
	=====		=====
	Rs. 10,065.33		Rs. 10,065.33
	=====		=====

This year has seen a considerable increase in financial outlays.

Resources

Sales formed a substantial amount of our resources (about 54%) netting Rs.19,698.00; a record level.

Donations from members also contributed (Rs.4013.24). A large part was due to the continuance of our monthly donation scheme by which members donate a fixed sum every month through their bank. This year for our booklet "Inside the family" donations were asked from sympathisers, and the collection came to Rs.606.00

Due to the unusually large expenses which had to be undertaken for the printing of our latest booklet "Who are the Guilty" a large amount had to be taken as loans from our members (above Rs.8000/- constituting about 20 percent).

Disbursements

The major item of expenditure was on our publications which cost Rs.18,058.00 of this a good part was spent on the publication of "Who Are the Guilty" (seperate account given). To help in covering our costs for the 2nd edition and for bringing out the Hindi translation of the booklet the loans taken are being carried over to the next financial year.

VIII. Assassination of Mrs. Gandhi and After

Soon after the assassination of the Prime Minister, we issued a press statement condemning her murder. The harrowing aftermath was a tense and critical experience for us as it was for Delhi city. For an overwhelmingly majority of our activists who were born after partition, the looting, burning and barbaric killings were, were at an emotional level, a traumatic experience. Apart from the

witnessing of these events, we were personally affected. One of our activists, Kulbir Singh became the target of communal frenzy. He was pulled out of the Ranchi Express in which he was travelling at Garhwa Road station on Nov. 1st, savagely assaulted by a mob, and left for dead. That he survived and is now in good shape is sheer miracle. The PUDR records its gratitude to members of the Mazdoor Kisan Sangarsh Samiti (MKSS) and the DSP, Daltonganj for their role in saving Kulbir and other Sikhs (The DSP, it may be noted, was later transferred by way of punishment for fulfilling his duties). Our thanks also to the local correspondent of Telegraph for filing a prompt report which enabled us to know of the event immediately.

Despite the fear, tension and emotional breakdowns of these days, our members in their individual capacity immediately took to work. They visited affected areas, helped organise defense committees, joined peace marches, rescued families and did relief work, wherever they were located in Delhi. If either as individuals or as an organisation, we have survived this shattering experience, in no small measure it is due to the strength of our organisation and to the kind of human relations we have built over the years.

The immediate and active involvement of our members eventually contributed to the report "Who Are the Guilty?"

The Report: The report was produced at break-neck speed and was released to the press, within a week of lifting of curfew, on Nov. 15. It received unprecedented publicity and acclaim. The first edition (5,500 of which PUDR distributed 3000) was exhausted within two weeks. (We learnt that pirated editions have come in Delhi and Bombay and even abroad). At the same time we also became aware of the possibility that it may become an unwitting instrument in the hands of Sikh communalists. We therefore added a preface to the second edition which also has a post-script updating our fact-finding. (Dec. 20,000 copies, of which PUCL

has 15,000). The Hindi edition is in the making. The preparation of the report, the press conference, the printing and distribution of the two editions and the preparing of the Hindi booklet has meant continuous and unremitting work for over two months. Apart from the strain on our activists, it has considerably burdened us financially. Our members have made loans which have yet to be returned, a position we have not been in for the last two years. Given the above strains, we had to forgo our 4th annual convention.

The report, among other things, pointed to the failure of opposition parties in responding to the riots. Predictably, it has earned the displeasure of some of these parties. The Janata Party leader George Fernandes has sent us a letter accusing us of malice towards the opposition parties. An unfortunate outcome of the adverse reaction of opposition parties is that PUCL, our co-partner in this report, unilaterally went to press with a statement that indirectly serves the electoral interests of these parties.

More importantly the naming of persons alleged to have been involved in the riots has given us a new kind of experience. In the past, unlike civil liberties organisations working in the provinces, we were never faced with the possibility of repression ourselves. Since we have been taking up issues outside Delhi, we have remained physically distant from the forces that we criticised and exposed. This report has radically changed the situation. The statement of Tajdar Babar, DPCC(I) President, viciously attacking our report as "inciting the sufferers", gave us days of tension. Our printers were and are being harassed. And already we have been served legal notice of a Rs.5 lakh defamation suit. On the whole we have provoked the wrath of the country's most powerful anti-democratic forces which has its dangers both to individual members and to the organisation. Hence even while we take justifiable pride for the quality, speed and courage

⑩ Note, however, should be taken of the fact that some of our fact-finding teams have had to face landlord and/or police intimidation and violence as in Bihar, Andhra, and Tamilnadu.

of our response to the Delhi riots, we should exercise due caution and ensure that our intervention in any situation is commensurate with our preparedness.

IX. Organisation

At present the membership stands at 137 with 14 new members joining us. Two of our active members who are also secretaries of the retiring executive, C.V. Subbarao and Sumanto Banerjee have left. Both were leading members of our organisation from the earliest days and their absence is a sad loss. We look forward to their promised return after two years.

There is a large section of our members with whom we have completely lost touch. Our efforts to re-establish contact with them have not been successful. It is time we acknowledged this fact and remove their names at a formal level. Our activist meetings continue with vigour every Saturday. The executive met 9 times this year. Attendance at executive meetings sometimes has been unsatisfactory.

Among the important issues debated in the executive has been the pressures of legal work and its financial problems. It was decided

- 1) to henceforth limit cases free of legal costs.
However even in such cases we will request payment of cyclostyling costs and court fees.
- 2) for all other cases, our lawyers will charge their professional fees.

At an informal organisation level, we had extensive discussions on communalism and on the Punjab situation.

This year we had a number of joint activities with fraternal organisations. In one exceptional instance, despite an EC resolution taken a few years ago, we joined the Anti-Eviction Committee consisting of a number of organisations. In the past we have avoided such ventures due to our financial

and organisational limitations and to the petty tensions they tend to generate. Due to certain contingencies we joined this committee, contributed in terms of a pamphlet and meeting (given above) and a month later, in August, formally withdrew from it when it transformed itself into a permanent body. While continuing to give support from the outside to various fronts that are formed on various issues, we should also continue to be careful and cautious in our approach to joint activities.

Although we can claim to have achieved stability and unity at the level of organisation, as in the past, we will have to be continually on guard to maintain it in the coming year.

1984 has been a year of increased activity, new challenges and new tensions. The ability with which we managed them this eventful year should enable us to face the uncertainties of 1985.

Wishing all members a Happy New Year.

Dec. 30, 1984.

Sudesh Vaid
(SUDESH VAID)
Secretary, PUDR