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A N N U A L

R E P O R T- 1 9 8 5

People's Union for Democratic Rights

21 December ,1985.

Annual Report -1985.

The new executive started functioning from Dec.31,1984 following is a report on our organisation and its activities.

1. Fact finding :

We were able to send fact finding teams only in the first half of this year.

I. Encounter Killings:-

- a) A team went in February to Patna, Magrubighar, Kaithi and Mahugam to investigate into the killing of 10 persons by the CRPF and Bihar Military Police in Kathebigha. Its findings were that the killings were part of an attempt to terrorize Harijan agricultural labour who have been struggling for better wages and freedom from Social oppression. A report was published titled "Massaure in Bihar " in English and "Bihar Hatyakand" in Hindi .

In June we participated in a joint fact finding with MP Pucl and CPDR Nagpur into an "encounter" killing in Bastar. The team visited Jadalpur, findings of the team was that the killing had taken place because the victim had been active in organising tribal workers against exploitation by forest officials and tendre leaf contractors. Thereport was released at a press conference and later was published in English and Hindi titled "Bastar". An investigation into an encounter"and "Bastar: EK muthbedh Ki jaanch" respectively

2. Black Laws

A team visited Armitsar and adjoining villages and Chandigarh in March to collect information of the special courts and the impact of various black laws / were ineffective in curbing communal terrorism. Instead, they were creating a social climate conducive to communalism as the brunt of these laws was being borne by ordinary Sikh citizens. The report was released at a press conference in April.

We had to give^{up} efforts to print this report titled "Punjab: Black laws and the People" due to the justifiable fears of pri ters that they would be harassed by the Police, However, later it was published by "Economic and Political Weekly" and also translated into Punjabi and included in an AFDR booklet on Punjab.

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/ on ordinary citizens. Its findings were that the black laws.

In addition we had three investigations for which no reports were finalized due to various factors. These were :

3. Environment

- a) Two visits were made to Bhopal following the Union Carbide gas leak in December.
- b) Mithapur: Concerning pollution hazards caused by the Hindustan Petroleum Chemicals located on the Delhi border in Haryana(February).

4. Retrenchment:

Visited Megathaburu to investigate the impact on labour of the complete mechanization of iron ore mines. (April).

II. Meetings:

Apart from the Convention, we organised a few meetings this year.

- May: A joint meeting with PUCL on "Civil Liberties in Andhra" Speakers. Dr.Balagopal, Mr.Mu'khoty, Dr.Mohanty, Mr.Inder Mohan .
- July: Helped to organise a meeting in Delhi University (DU) on "Bhopal: Issues Old and New" on behalf of Delhi Committee on Bhopal Gas Tragedy. Speakers: Mr.Anil Sadgopal, Mr.Tapan Bose, Mr. Praful Bidwai. and others.
- August: Held a meeting "Towards a Uniform family law". in D.U.
- Sept: Organised a small memorial meeting for Dr. Ramanatham on behalf of teachers, students and karamcharis.(D.U.) Speakers; Mr.Rajni Kothari, Dr.Aswhini Ray and Mr. Nilambar Pandey.
- Nov. } Conducted three sessions of a "Workshop on Civil
Dec. } Rights" (D.U.)

In contrast to last year when we organised 4 public meetings in D.U. we were able to organise only one under our own aegis. This was due primarily to the special circumstances of this year. However early in this year we briefly experimented with putting up wall posters on civil rights(Jan.Feb.). More encouraging was our recent experiment in conducting the workshop with a small group of teachers and students.

III. Convention

As we could not held our annual convention last year due to the Delhi riots, we decided to hold our convention earlier than usual and to make it a full day programme. The convention was held on Sept. 21 on the theme of "Mass Organisations and Democratic Rights." The morning session was devoted to issues concerning civils rights organisations, women, and the medical profession - while the afternoon session dealt with issues involving literary and theatre groups. It was followed by a cultural programme by the Amritsar Natak Kala Kendar. The speakers were Mr. Mukhoty, Mr. Rajni Kothari, Mr. Inder Mohan, Dr. Ashwini Ray, Mrs. Pramila Dandewate, Dr. Asish Mittal, Mr. Bhisem Sahini, Mr. Karan Singh Chauhan and Mr. Gursharan Singh. Our attempt to make the convention broad based was partially successful but more efforts will have to be made in this direction. We wish to record our warm appreciation of Mr. Gursharan Singh and members of the cultural team who not only imparted vigour and spirit to the convention but as a token of solidarity with our common cause, also donated the proceeds of their collection to PUDR.

IV. Publications:-

1. Massacre in Bihar: An Enquiry into the Killings of 10 People in a Harijan village Kaithibigha, Bihar. -500 copies
Bihar Hatyakand: Bihar meh hatyaon par ek jaanch report -1000 copies
2. Punjab: Black laws and the People --500 copies
3. Bastar: An Investigation into an Encounter --1000 copies
Bastar: Ek Muthbedh ki jaanch --- 1000 copies
4. Convention Papers: Paper on Public Interest Litigation(reprint)Mr. Mukhoty-200 copies and Dr. Ray's paper.
5. Annotated list of PUDR publications and an "Introduction to PUDR" pamphlet.

We would like to note here that we have relatively very little stock left of our publications. While this is heartening in terms of recovering our costs, the paucity of literature will soon become a problem for given the uncertainties of our wayward press, our publications constitute the only stable though modest, means of spreading the cause of democratic rights.

V. Press Statements:

As in the past we issued numerous press statements and wrote letters to the editor on numerous issues- at least 20 this year. Among these statements on the arrest under NSA of two students in Punjab for distributing pamphlets (Jan, ATR and PUDR) on the confiscation of 7000 copies of the Punjabi version of "who are the Guilty" and arrest of the printer (Feb) on the personal law along with releasing signatures collected on this issue (March 8), on the arrest of Prof. Mohanty and others (April), on the conspiracy case against "Srjana" on the attack on Dr. Balagopal by BJP on the bomb blasts in Delhi (May), on the arrests of activists and doctors working for the victims of the gas tragedy in Bhopal (June), on the conspiracy case on activists of OPDR and APCLC in Andhra and on encounter killings in Bihar (July), on the killing of Arjan Das and on the bar on CPD report on Punjab and the arrest of the printer and of Mr. Pancholi (Sept), on the arrest of the editor of Peeng in Haryana and the attack by terrorists on the priest in the Golden temple (Nov.). Many of the statements concerning Andhra and the attacks on numbers of civil rights organisations were issued jointly with PUCL.

We also sent telegrams to the Chief Ministers of Andhra M.P. and Haryana on various issues.

VI. Fraternal Relations:

In addition to the joint activities mentioned above we also participated in various delegations, seminars, dharnas and demonstrations. In August, a joint PUDR PUCL and Vidya Jyoti we demonstrated at Bihar Bhaan on the issue of harassment of Khilachand / collected / signatures for a campaign conducted by Tamilnadu PUCL for relief to refugees from Sri Lanka. Our representatives participated in a convention on human rights organised in Ukul (Maripur), by the Naga Peoples movement for Human rights (NPMHR) in October. Earlier the widows of C. Deviel and C. Paul had given PUDR a donation token of their deep appreciation for the legal help we had given. This donation was in turn given by PUDR to NPMHR. Our members also participated in ADR convention in Amritsar in October and in November in a seminar on black laws organised by CPDR, Bombay.

A joint PUDR-PUCL delegation met the Chief Minister in Bhopal. In September and October we participated in Dharnas, organised by the newly formed Movement against Repression.

VII. Legal

At present our lawyers are handling over twenty seven cases. About 19 cases are pending from last year or even earlier. Remaining are new cases.

Following is a list of the cases pending from last year or have been disposed off this year.

1. Vivek Pandit vs. State of Maharashtra and others concerns bonded labour . Pending.
2. K.K.Neogi vs. Union of India(1981)
Concerns slum eviction in Delhi . Pending for final disposal.
3. Bandhwa Mukti Morcha vs. State of Haryana and others (1982). The main writ petition had been disposed off in 1983 with 22 directions given to the Government by the Supreme Court. These direction were not implemented, hence we filed a number of miscellaneous applications including a contempt of court petition. Some of these are still pending.
4. Xavier Dias vs. State of Bihar (1983).
Concerns contract labour in Meghatuvuru iron ore mines. The Supreme court had appointed a commission to investigate the matter and the commission has submitted its report. The report is yet to be scrutinised by the court. Pending for final disposal.
5. Daya Shankar vs. High Court of Allahabad and others.
Concerns a munsif facing discrimination as a Scheduled caste Case is awaiting final hearing.
6. Mrs. Kuldip Randhawa vs. State of Punjab(1983)
Concerns the killing of student leader Pritpal Singh Randhawa. Special leave petition has been granted by the Supreme court and the case will come up for hearing.
7. R.S. Pathak vs. Bokaro steel Plant(1984).
Concerns termination of service of 1000 workers. PUDR is co petitioner case is pending.
8. Mahadev Hausda vs. State of West Bengal(1983).
Concerns undertrials in Midnapore central Jail imprisoned for more than 20 year. All have been released.

9. Mukhoty vs. Delhi Administration(1982).
Concerns malpractices and mistreatment of prisoners in Tihar Jail . Case pending.
10. Pradeep Prabhu vs. State of Maharashtra(1982).
Concerns repression on Adivasis. The case is still pending though the court has given a stay on the Government on the removal of crops from the lands of Adivasis.
11. Sudeep Mazumdar vs. State of Madhya Pradesh (1982). Concerns injuries and death of tribals eking out a living by collecting scrap on the Army Firing Range . Case is pending.
12. APCLC vs. State of Andhra Pradesh(1982).
Challenging the Disturbed Areas act. Case still pending before the constitutional bench.
13. PUDR vs. Union of India and others(1982).
Challenging the Armed Forces (Anam and Manipur) Special Powers (Amendments) Act 1972. Pending before constitutional bench.
14. APCLC vs. state of Andhra Pradesh.
Concerns Police camps in academic institutions, panchayat buildings etc. PUDR is co petitioner. The State Government has filed a counter affidavit and we have filed our rejoinder. Case will come up for hearing.
15. Dr. Vinayan vs. State of Bihar.
Concerns retrenchment of 1000 workers of the immigration department in Rohtas and arrest of several hundred. This petition has been disposed off by referring the matter to the labour tribunal.
16. PUDR vs. State of Andhra Pradesh(1984). Case disposed off with the direction that the commission appointed by the single judge of the AP high court will be allowed to investigate the custodial death.
17. PUDR vs. Ministry of Home (1984).
This case filed on the basis of our report on the November riots in Delhi("who are the guilty) asking for an enquiry by the court. It was dismissed by the Delhi High Court with the ruling that the court has no authority to appoint this commission. Since the governments instituted an enquiry soon after this judgement, we had no scope to challenge it.

18. Fana Mukti Morcha vs. State of Bihar.

Concerns a coal mine which was being run by workers which was bulldozed by the government. Writ petition is awaiting final hearing. In the meantime, by the direction of the supreme court, the state government paid Rs.9,000/- as compensation for the cycles seized from about 20 workers.

19. Dr. Jeewan Jot vs. State of Punjab

The petitioner was not given confirmation of service on the grounds that she was a member of AFDR(Punjab). Matter is pending for final disposal.

following is a list of the important new cases taken up this year.

20. Munnuswamy vs. State of Tamil Nadu (1985).

This is a case concerning about 10,000 fishermen in Marine Beach, Madras where catamarans and fishing boats, were seized by the authorities in a 'beautification' drive. The court has directed the govt. of TN to return all the catamarans and boats and to allow the fishermen to continue fishing from Marine Beach. Writ is pending for disposal on merits.

21. APCLC vs. State of Andhra Pradesh(1985).

Concerns take encounters by the Andhra Pradesh police case pending.

22. Dr. Dinesh Mohan vs. Union of India (1985).

Asks for a ban on the sale of the firecracker 'anar' on the grounds that it is highly dangerous. The court is setting up an expert committee to go into the matter. Firework manufacturers have also intervened in this matter.

23. Dr. Sudesh Vaid vs. State of Andhra Pradesh(1985)

Habeas corpus writ petition filed on behalf of Dr. K. Balagopal, Gen Secy APCLC, who was arrested by the AP police on 16th November and his whereabouts were not known. The supreme court directed the State government to produce Dr. Balagopal before it within two days if he has not already been produced before a competent magistrate. The State govt. informed the court that Dr. Balagopal had already been produced before a magistrate.

24. Krishak Sangharsh Samity vs. State of UP (1985).

Writ concerns illegal taking over of cultivated Lands of a few tribals by the state govt. case is pending.

25. Pulli Srinivasulu vs. State of Andhra Pradesh (1985).
Petitioner is a convict for the last 18 years, and has moved the supreme court seeking release in accordance with the provisions of the AP jail manual. Case is pending.
26. Jagmohan vs. state of Punjab (1985).
Concerns illegal arrest of 2 students of PSU who were distributing anti-communal literature. They have been released.
27. R.L.Mishra Commission:-

In April, 1985, the Government of India instituted an enquiry into the carnage in Delhi following Mrs. Gandhi's assassination on 31st October last year. The Commission is headed by Justice R.L.Mishra of the Supreme court. The objective of the commission is to enquire into the allegations that the November carnage was organised. This shifts the burden of proof from P.U.D.R. and P.U.C.L. and the other organisations who had come to the conclusion. We have filed our report before the commission. Also attempts were made to intervene into the commission jointly with other organisations like Nagarik Ekta Manch, National Sikh Forum and others holding same views about the carnage. Accordingly citizen Justice Committee was formed and our lawyer have offered their services to this committee. However a joint intervention through this committee did not materialise. Hence we filed a petition behalf of PUDR asking that we be included as parties in the proceedings of the commission. So that we can intervene effectively in the proceedings of the commission.

Resources		Disbursements	
1.	Opening balance	1.	Printing 4475.00
	i) Cash 4350.00	2.	Cyclostyling 1544.00
	ii) Bank 5350.82	3.	Stationery, 1733.00
2.	Sales 7724.00		Postage, Hall, Mike.
3.	Donations 10088.00	4.	Transport & Misc. 2147.00
4.	Membership 50.00	5.	Donation given 2225.00
5.	Bank interest 417.15	6.	Loans repayment 7200.00
		7.	Legal 1500.00
		8.	Closing balance
			i) Cash 1333.00
			ii) Bank 5822.97
	27979.97		27979.97

Resources:

Monthly donations from members accounted for 40% of the total donations, the rest came from individuals in the form of small donations.

Sales: accounted for 26% of the total resources. Of this the Hindi edition of "Who are the guilty" accounted for a large portion. Sales were low since only 3 booklets were printed.

Disbursements:

Disbursements:

A large amount (Rs.7200) was used up in the repayment of loans carried over from the last financial year. Printing accounted for 16%, lower than previous years but cyclostyling used up Rs. 1544, an amount larger than prev. years.

Of the total donations, Rs. 2,000 received (as mentioned above) was given as donation to NPMHR others were to Delhi committee on Bhopal Gas tragedy, etc. Cyclostyling expenses for legal work amounted to Rs. 1500. Transport costs were high due to cartage of paper and booklets of the second English edition & the Hindi edition of "Who are the Guilty".

IX. Organisation :

The Executive Committee(EC) met only 5 times this year. We need to increase the participation of EC members. Three of our EC members have left Delhi during the year. We greatly miss them and look forward to their return. Prof. Arun Bose, former EC member, has also left Delhi this year after his retirement, From the inception of PUDR, Prof. Bose has given us valuable advice and support. We wish him the very best in his future work.

The activist meetings continue as before every week. New members have come forward to share the burden of the work and inspiring us with their enthusiasm.

X. The New Situation

A new situation has developed during this year where civil rights organisations in different states have themselves faced repressions. While this will call for fresh challenges and tensions for all the civil rights organisations in the years to come, it would be worth mentioning some of the crucial features of the attacks that had taken place in the last year on P.U.D.R. PUCL and A.P.C.L.C. in particular. These have emanated from P.U.D.R.P.U.C.L. report "Who are the Guilty" in Delhi and the critical situation in Andhra. The following is a brief chronology of the sequence of attack on these organisations.

Jan: In Delhi PUDR was facing the aftermath of the Report. With the massive Cong.I victory in the parliamentary elections, victims of the riots were afraid to give affidavits. In Andhra, VaravaraS, Balagopal, Dr. Ramanatham, and seetaramarao were arrested and implicated in a conspiracy case.

April: Prof. Mohanty Balgopal and others were arrested on their way to a commemorative meeting in Inderwalli where 60 tribals had been killed in 1981. (At that time we had done a joint PUDR-APCLC fact-finding and published a report "Adivasis of Adilabad"). The false cases foisted on them were later dropped due to public pressure.

May: Bomblasts in Delhi resulting in intensification of communal tensions, Conspiracy case against "Srjana" and physical attack on Balagopal.

August: Terrorist killing of Cong.I M.P. Lalit Maken and allegation by Cong. I MP Mr. Tiwari that our report had provided a "hit-list" to terrorists. He claimed PUDR and PUCL were CIA funded organisations.

Sept: Dr. Ramanatham, Vice President APCLC, was shot dead by police in Warangal on sept.3. The next day, Sept.4, Mr. Arjan Das, Cong.I Municipal Councillor was killed by terrorists. The assassination unleashed a/ricious slander campaign, this time led by the Cong.I Gen. Secy Mr. Srikanth Verma. Allegations against PUDR and PUCL were published through government media, AIR and Doordarshan. As for the press, barring a few exceptions, it made itself a ready ally to the attacks of the ruling party. On sept 10, the CFD report on Punjab was banned and arrests made. It was in these adverse circumstances that we nevertheless managed to hold our convention.

Nov: Dr. Balagopal was arrested on the 16th charged under the Anti terrorist Act and is currently in Central Warangal Jail. The act is being liberally used by the NTR government and mass repression and attacks on civil rights activists continue.

Thus from January onwards we have faced a number of crises. The multiplying crises have meant that we have been unable to carry on with our normal activities. While the legal work has continued apace, we have had fewer meetings, publications and fact findings (with regard to the latter we should revive our practice of associating non members in our fact finding teams).

However, we had more joint activities. Desirable and necessary as these are, we have to continue to be cautious with regard to such activities, particularly,

when they take the form of united front committees. We withdraw this year from the Jhuggi Jhopri Anti Eviction Committee which we had joined last year as it had become a permanent committee. But we are members of the Delhi Committee on the Bhopal Gas Tragedy (Consisting of 22 organisation) formed in the wake of repression on activities in Bhopal. Apart from the expected strain on our resources through participation in its activities- Delhi University meeting, dharna at Sriram food and fertilizers Plant, Dec.3, commemorative meeting etc- there have been other problems in particular the use of this committee by a political party for electoral purposes. Hence while we should be flexible in joining other organisations in issues of democratic rights, we will have to be vigilant that PUDR is not compromised in any manner and that it is not involved beyond the issue for which a committee was formed.

The new situation which confronted us this year has strengthened the bonds between us. In a sense, the past years of organisation building in terms of social understanding and human relationships has enabled us to withstand the onslaught. But we are not past the woods apart from the unpredictability of terrorist killings, we have to be prepared for the report of the Mishra Commission due in a few months.

Through the trials of this year we have attained a new maturity and stability. This should help us to face the challenges of the coming year.

Happy New Year.

Sudesh Vaid
Sudesh Vaid
Secy.PUDR.

Dec.21,1985