

ANNUAL REPORT 1987

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS, DELHI

20th December, 1987

The new executive started functioning on 21st Feb., 1984. We present a brief report on our activities since then. We have arranged the issues taken up according to the mode of our response, i.e. press statements, fact-findings, publications public meetings, legal cases etc.

Press Statements: We have issued 13 press statements and held one press conference this year.

- a) **Bihar:** We gave a statement on the killing of supporters of the All India Kisan Sabha, the peasant mass-organisation of the CPM, in Bhagalpur in December. This statement was not carried.
- b) **Uttar Pradesh:**
 - i) The attempt by rope makers of Saharanpur to go directly to the forest and cut the grass required for the rope was foiled by heavy deployment of armed police and PAC. PUDR gave a letter to the editor protesting against this.
 - ii) We issued a press statement on the massacre by the PAC in Maliana and Hashimpura, Meerut, asking for disbandment of the PAC and the institution of criminal charges against the officers concerned.
 - iii) We condemned police inaction and connivance in the rape case of a minor girl in Devaria district of U.P. coming from a agricultural workers family. Her family was involved in attempting to struggle for higher wages.
- c) **Andhra Pradesh:** Subhash Chandra Bose, the APCLC Vijayawada secretary was arrested under the Terrorist Act and false cases were foisted upon him. We sent a joint statement protesting against his arrest with other civil liberties organisations on 3-1.
- d) **Rajasthan:** We condemned the arrest of Srilata Swaminathan and others in connection with their agitation for adequate relief for drought affected areas of Rajasthan.
- e) **Delhi:**
 - i) We protested against the lathi charge on African students demonstrating against the discriminatory AIDS tests on 28th Feb.
 - ii) We sent a letter to the editor protesting demolitions in Sangam Vihar. The letter was drafted on the basis of our first fact-finding report on the demolitions on 15th May. Following large scale demolitions in Sangam Vihar, a two member team was sent which issued a press statement.
 - iii) A joint statement was issued condemning the repression on the All India Junior Doctors Strike early this year.
 - iv) We issued a statement condemning the raids on the offices of the Indian Express group of newspapers by the DRI.

v) We held a Press Conference, releasing our report on riots in Delhi's walled city on the 17th of June. The conference was well attended and the report well publicised.

vi) We gave a letter to the editor criticising the management and editor of Indian Express, Delhi, in attempting to break a strike of their workers using muscle power from a political party, on 3rd November. We also wrote a letter condemning the violence perpetuated by the striking workers on the non-striking employees later that month.

Fact-findings:

One unfortunate feature of the work this year was the fact that out of six fact-findings done this year, we could bring out reports only in four. The other two, a fact-finding on Saharanpur and a fact-finding on police action in Jamia Millia Islamia Campus, had to be given up for various reasons, to be discussed later.

1. We did a fact-finding into the illegal detention of two workers of K.K. Rubber, a small scale industry in Samepur Badli village in North Delhi. A cyclostyled report entitled "Unplanned Industrial Growth and workers Rights" was prepared. The report concluded that such unplanned growth results in tensions between the original rural population and migrant workers, and the management, the police and local elite exploit this tension to deny workers their rights.
2. On April 25th, a fact-finding was done into demolitions in Sangam Vihar, an unauthorised colony on the Mehrauli-Badarpur road. A cyclostyled report entitled: "The Law versus the Right to Shelter; A Case for Unauthorised Colonies", was prepared and released to press in the form of a letter to the editor.

Following fresh demolitions of nearly 2000 houses in Sangam Vihar another team was sent which issued a press statement. Later another fact-finding team visited the area. The team also included Prof. Sumit Sarkar, Head of the Deptt. of History, Delhi University. A report was prepared which was printed in Mainstream. We printed 500 English copies of the report and later, 1000 Hindi copies.

3. A large fact-finding team was sent to investigate the riots in the walled city from 19th to 24th May. A report entitled "Walled City Riots" was prepared and a thousand copies printed in English. The report stressed the partisan communal role of the police and exposed several glaring instances of the same. The report was released at a Press Conference and got wide publicity. Unfortunately, the Hindi translation could not be ready in time. The report has also been included in a recent anthology on causes of communal violence in India.

OTHER PUBLICATIONS:

1. Justice Denied: On 23rd February the RN Mishra Commission report was placed before Parliament. In April we brought out a joint (with PUCL) critique of the report (in so far as it relates to events in Delhi). The report exposed the shortcomings of the commission and its attempt to cover-up the Congress(I)'s role in the riots. The failure of this commission to give justice to the people, we pointed out, is a failure of an institutional mechanism that our system offers when other institutions fail, and it indicates the erosion of yet another institution of democratic safeguards.
2. East Godavari: Repression in Agency areas of Andhra Pradesh. From March to May, hamlets belonging to the tribe of Kondhs in the East Godavari Agency areas in A.P. were systematically burnt down by the police. About 46 hamlets, and a total of 638 houses were burnt down. This is one of the most brutal instance of repression let loose in this area by the police since at least late 1985. In August we brought out a 4 page pamphlet on this repression, 1000 copies were printed.
3. Army Atrocities in Naga Areas: Following an attack by insurgents on the 21 Assam Rifles post at Oinam village in Senapati district, a counter-insurgency operation, nicknamed 'Operation Bluebird' was launched from July 11th to August-end. Fifteen people were tortured to death, six babies died of starvation, more than 300 people were given electric shocks and subjected to third degree torture, six men and women died of continuous starvation etc. This is only the latest in the brutal abrogation of human rights that the people of the Naga areas in Manipur and other states have been facing. In October we brought out a pamphlet on this repression. We printed 1500 copies.

4. **Inside the Family:** We ran out of stocks of the second edition of our report on the violations of democratic rights of women inside the family. Early this year we printed a reprint with an additional comment on the Muslim Women Bill and common civil code. The second edition was also translated into Hindi and was printed during the latter half of this year.
5. **Bleak House:** In the autumn session of Parliament the National Legal Services Authority Bill was passed and sent to the President for his assent. We brought out a critique of this bill which increases the power of the executive over the judiciary and has several undemocratic features, 300 copies of the report were cyclostyled.
6. **Communal terrorism in Punjab:** In the fourth week of November we brought out a report on the circle of violence in Punjab communal terrorism and state terrorism attacking ordinary people. We especially highlighted the growing resistance to the communal terrorists by the left and democratic forces and ordinary people. We also prepared a list of the martyrs of the left and democratic forces who were killed by the communal terrorists, 300 copies of this report were cyclostyled. Several of our members felt the necessity of more work on violation of democratic rights in Punjab, and expansion of this report in the near future. Though the report was not released at a Press conference, it was reported extensively by Delhi and Calcutta Statesman.

Public Meetings: We have held a total of ten public meetings this year. They are:-

1. **Andhra Pradesh:** On the 8th of January we held two meetings - one in DU and one in JNU on the repression on the people of Andhra Pradesh. They were addressed by K. Balagopal, Gen. Secy. APCLC, and were attended by 30 and 75 people respectively.
2. **Bihar:** On the 3rd of February we held a meeting in JNU on the repression on the peasant movement and other sections of society in Bihar. Mr. Shashi Bhushan, Gen. Secy, PUCL(Bihar) addressed the meeting. It was attended by 50 people.
3. **Anti-communalism:** We held three cultural anti-communalism meetings this year. On the 19th of February we celebrated Bhagat Singh Diwas by a cultural programme in Delhi Public Library, opposite old Delhi railway station. The cultural groups, Theatre Union and Pratidhwani participated. The

inaugural performance of the play 'Toba Tek Singh' and several songs were presented. Over a hundred people attended this meeting. On the 11th of May we organised a meeting in memory of the well known Urdu writer - Saadat Hasan Munto. Namvar Singh and Mahip Singh were the main speakers. 'Toba Tek Singh' which is based on Munto's short story was shown again by Theatre Union. Only about 40 people attended.

On the 26th of November we held a cultural performance with Gursharan Singh and the Amritsar Natak Kala Kendra in Delhi University. The cultural programme focused on the struggles of the anti-communal forces in Punjab against communal and state terrorism. Around 70 people watched the performance.

4. Maharashtra: We held a meeting on pollution due to distilleries and drought due to sugarcane monoculture in Maharashtra's Ahmednagar district in JNU on the 24th of July. The speakers, who also showed a film, were activists of a local people's science organisation. Around 50 people attended.

5. Civil Rights Day: On 3rd September, Civil Rights Day, the second anniversary of the murder of Dr. Ramanadham by the A.P. Police, we held a meeting on the theme "The State and Violence". Harbans Mukhia, Chair person, Centre for Historical Studies, JNU was the main speaker. We also showed a film - 'Prisoners of Conscience'. Around 70 people attended.

6. Manipur: On the 21st of September we held a meeting in JNU on the repression in Senapati district of Manipur. Luingham Luithui of the NPMHR was the main speaker. Some Naga students also spoke. Around 50 people attended.

On 10th November we held a small meeting in Delhi University on the same topic. Luingham Luithui was the main speaker. Around 25 people attended.

Convention: A large part of our work is inextricably linked up with the development process that we have been going through in the last 40 years. We decided this year to hold our convention on the theme of 'Development and Democratic Rights'. The convention was held on the 28th of November. The speakers were Gobinda Mukhoty, Arun Ghosh and Amal Sanyal. A FUDR position paper, based on our reports in the last ten years was also presented. Unfortunately two of our speakers - Srilata Swaminathan and Bharat Patankar - were unable to come. Srilata Swaminathan had in fact come to Delhi, but because she was extremely unwell she could not come to the convention. Convention papers were also circulated.

* needs of the people had not been met. Amal Sanyal placed a theoretical

Arun Ghosh had attempted to trace the course of economic development in India since independence focusing on how crucial* frame work within which the relationship between economic development and democratic rights could be placed. He gave special reference to the Indian context. The PUDR position paper was based on our experience from which an understanding of the developmental process was sought to be reached - a process, which in India, both at the level of policy and implementation left the larger mass of people at the sidelines. It was one of the lowest attended conventions, only around 75 people were in the audience and even the discussion that followed was not up to the mark of the usual PUDR convention.

NEW LEGAL CASES: We gave below a list of a few of the new legal cases which our lawyers have taken up. An incomplete list of the cases pending is attached to the back of this report.

1. Hashimpura:

On the 22nd of May at least 44 people were killed by the PAC in Hashimpura - 33 people were killed and thrown into the Ganga canal, two people died of torture on the way to the police station, five people died of torture inside Fatehgarh jail and four people were killed in a police firing. We have asked the court to institute an enquiry into the incident, and to direct the government to pay adequate compensation, based on guidelines aimed at restoring the affected person to the same position as before the incident, for accepted deaths, injuries and property losses. We have also asked for the names of the PAC people who were posted at Hashimpura on that day, and asked the court to direct appropriate criminal prosecutions in accordance with its judgement. The case was filed on 11th July. The government has given a detailed counter-affidavit. Matter is pending.

2. Manipur:

Our lawyers are assisting in a case filed by NPMHR in Guahati High Court on the repression in Senapati district by Assam Rifles. The petitioner have asked the court to direct the army to allow officials of the civil administration to enter the district. We have also asked the court to institute a commission of enquiry. The court has admitted the case and agreed to institute a commission of enquiry. We are still waiting for the reply from the army.

3. Sirahmal and others versus Hope Textile Ltd.

This is a case where our lawyers gave assistance where 1000 workers who were not paid their wages and pensions when the above mentioned unit closed down, appealed to the Supreme Court. The court directed that the claims of the workers should be treated in preference to the claims of banks and other institutions. The court directed that part of the property of the company should be auctioned for 1 crore to pay wages and pensions.

4. Law Students for social justice versus State of Karnataka

This is a case on bonded labour in Karnataka. Matter is pending.

It should be noted that while our lawyers have dealt with several new cases throughout the year, it has not been possible for a complete list to be maintained, due to the pressure of work. It was felt that such a list should be maintained and the Executive decided to recommend to the new Executive that such a list be maintained monthly. One member of the present Executive has also volunteered for this task.

Fraternal Activities:

Apart from the joint press statements and joint reports mentioned above, and the legal aid our lawyers continue to give, our organisation and its individual members participated in the following activities:

1. One of the main fraternal activities this year was helping the Indian People's Human Rights Tribunal in holding its first hearing on the Arwal massacre in Bihar. Our members helped in looking after the witnesses, and arrangements for the hall etc.
2. Our factfinding on the communal riots in Delhi was done with the assistance of people from other organisations including PUCL(Delhi). We would like to record our gratitude for their help.
3. One of our executive members, Prof. Manoranjan Mohanty addressed the AFCLC state conference in Vijayawada.
4. We helped the NPMHR hold a press conference in Delhi highlighting the repression in Senapati district of Manipur. Our lawyers are also giving legal assistance.

5. Our members printed the report "Punjab: The people fight back" for the AIFOFDR after they were unable to get it printed in Punjab.
6. Our president, Gobinda Mukhoty, has, as usual, addressed several meetings on violations of democratic rights.

THE ORGANISATION:

We held eight executive meetings this year. Most of them were quite well-attended. We could not implement the decision to have an executive meeting every month. Some organisational decisions were taken in the executive which we have not been able to implement as yet, such as having monthly reports from the Treasurer, doing an inventory of PUDR booklets held in stock etc. This year, three old executive members - M. Ray, Ashwini Ray and Dipankar Gupta - have returned to Delhi. We welcome them back and look forward to their continued involvement.

This year we were faced with a problem of shortage of activists. Several of our old activists could not give as much time as in the past due to personal or academic preoccupations. Though we have got a few new members this year, they have not been enough to fill the gap. This has created several problems this year. For perhaps the first time, two fact-finders were done but could not be pursued any further. They are:

1. Saharanpur: We sent a factfinding team to Saharanpur in March this year. The team was supposed to go again to Dehradun for some investigations into the forest department, and then submit a report. Due to pressing personal reasons one of our team-members could not carry on with this part of the work. The organisation however could not create an alternative, and both unrealistically and unsympathetically expected the same people to carry on the work. This was compounded by poor organisation - both among those activists involved and among the organisation in general. Thus the background could not be prepared, and some of it was lost subsequently. Attempts to revive the issue failed, and in October this year we were forced to give up all attempts.
2. Jamia Millia: We sent a one-person fact-finding team to investigate police excesses in a lathi charge on students of Jamia. Simultaneously, the PUCL(Delhi) also started an investigation. It was then decided to bring out a joint report. Several faculty members also assisted us in the

FINANCIAL REPORT

The annual turnover for the year 1987 was Rs. 18225.86. The total amount is marginally higher than the previous year. But some important facts revealed by the statistics this year are a pointer to the problems faced by the organisation.

Of the total money resources of the organisation, 41.2% was provided by the opening balance. 42.3% of the resources were raised during the financial year and loans taken to finance our activities accounted for 16.5% of the resources raised, sales accounted for 28%, donations 58% (monthly donations being 32.5% of the total donations).

On the disbursements side, the total amount spent was Rs. 13,956.50, a loan given accounting for Rs.350 (this 'loan' is 1/4th the cost of printing 'Justice Denied' which PUCL is yet to pay us) and cash balance being Rs. 3,919.36.

Of the total expenditure, printing and cyclostyling alone accounted for 80.1%, the rest being divided primarily between postage, hall & mike and legal costs.

Examining the resources and disbursements together we see that the total amount raised was slightly over half of the amount spent during the year. Even in the year 1986, the ratio was approximately the same (excluding the legal reimbursement).

Another important ratio to consider is between sales and expenditure on printing and cyclostyling which provides an estimate of the returns. This year this ratio was 26.2%, marginally higher than the previous year (though not as high as it has been during the period 1982-85).

The existence of such low return figures is corroborated by the fact that a large number of our booklets remain unsold (even undistributed).

Given such low returns it is not surprising that the balance which was at Rs. 7513 at the beginning of the year has fallen to Rs. 919 (excluding the loan). Hence the most important thrust has to be towards increasing sales of the booklets. Donations should not be raised to overcome the shortfalls in the sales account.

The accounts are further witness to the fact that only 30 members renewed their membership (the figure was the same in 1986).

and the court ordered that he be produced before it. Later, we learnt that the news of his disappearance was incorrect. We faced embarrassment in the press, the court and outside.

Though this incident underscores the need for effective communication between democratic rights organisations all over the country, what is disturbing after the initial relief is that this is only an indication of the ruthless repression faced by the APJLC in Andhra Pradesh. Even till today, their members are being killed tortured, arbitrarily arrested, threatened and harassed.

Our organisation this year has completed 10 years of its existence. Though it is not at the moment possible to review the course of its development over the past decade, it is obvious that for various reasons it has had its ups and downs. We have faced many problems and will continue to do so but the holding of this annual general body meeting at the end of the tenth year our existence proves not just our survival but that we are here to stay.

Through the years there has been for the organisation -- change. A marked change in the climate in which we function. Secular and democratic forces have not managed to turn the rising tide of sectarian communal feelings. Also the post-emergency awareness of democratic rights and civil liberties especially within the press and the courts seems to be on the ebb.

There has been for the organisation continuity. A continuity unfortunately in oppression and repression but heartening for us a continuity in the fighting spirit - especially of the members who have been with the organisation since its inception.

Still, in the context of a lack of activists and a worsening climate, there is an obvious need to expand and consolidate. This was a need and a task perceived in past years, which still remains with us. To a large extent the future of our organisation and the success of our work depends on this. We need to meet the challenge with renewed vigour.

Long live PUDR and the
democratic rights movement.

investigations. A report was written and approved by the fact-finding committee. In the subsequent period the draft of the report was lost by one team member. Thus all the work put in, and the involvement of several members of Jamia faculty went waste, In this non-report we also displayed some poor organisation. In the two and a half months while one PUDR team member was absent, no one from the organisation could take the responsibility of bringing out the report. During the stage of preparation of the report as well, only one draft was prepared with no copies. As a consequence when it was lost, we had to abandon it.

The problem of a shortage of activists in a context of an increased volume of work done as compared to last year obviously indicates a growing pressure on a lesser number of people. This has often affected the quality of work produced and co-ordination within the group. While several new people did come for Saturday activist meetings, and some also took intermittent part in activities, they, however, have not stayed. As a consequence we have not been able to increase the number of our activists. It is of the utmost importance at this stage that new active members be inducted.

The Press and PUDR:

One of the significant features marking our activity this year was the almost complete absence of press coverage. This we must point out, is perhaps not entirely the fault of the press. Of the 13 reports printed this year, we held a press conference in only one, which was fairly well reported. However most of our press statements were not carried anywhere at all, and those that were carried _____ were in one or two papers only. We have discussed this problem during the year and among the solutions that we had thought of was focusing on the regional language and regional English press, who have generally been more consistent in covering us. Implementation of this decision is not easy however with the problem of activists we are facing.

The Balagopal Case:

On 27th December receiving news that K. Balagopal, Gen. Secy. AFCLC, had disappeared on his way from Vijayawada to Calcutta, we issued press statements and moved a habeas corpus write in the Supreme court. The press gave it wide publicity

The expenditure in postage has increased by over 300% in the last one year. Though the volume of mailing has been more, the primary factor is the hike in postal rates. Therefore it becomes all the more important to receive some kind of yearly donation from people on our mailing list.

The lapses on the part of the treasurer have been many. For one, the treasurer was not present at the Saturday meetings thus adding to the problems of keeping accounts. Further, the treasurer has not got the accounts audited -- a long standing need. Hence the new treasurer should keep these in mind and aim at auditing accounts for the year 1988. (*)

RESOURCES

Opening Balance

Cash	806.50
Bank	6,653.26
Membership	150.00
Donations	
General	3,025.00
Monthly	1,460.00
Sales	2,928.50
Bank Interest	202.60
Loan	3,000.00

DISBURSEMENTS

Cyclostyling	2,294.00
Printing	8,889.50
Transport	150.00
Postage	926.00
Hall & Mike	945.00
Legal costs	500.00
Stationary	81.00
Miscellaneous	171.00
Loans given	350.00
Closing Balance	
Cash	3,016.50
Bank	902.86

18,225.86

(*) In sum, we start a new year with Rs.919.36 in hand and large stocks of booklets lying unsold. The success of the organisation can be viewed by the distribution of our booklets and hence through the figure in the sales account.

SOME OF OUR PENDING CASES:

The following list is not exhaustive.

1. Mineral and Magnesite vs. H.S. Karki. SLP No. 2324, 1986.

Case of a worker who organised the first union among magnesite miners in Pithoragarh dist., U.I. in 1979. He was thrown out of his job a few months later and filed a case. He was an activist of the Uttarakhand Sangarsh Vahini. He suddenly died a few months ago leaving behind a young widow and three small boys. The case was won in the High Court, but an appeal was filed in the SC, which is pending. The arrears of his wages have been already deposited in court. The case is still pending.

2. Press Council of India:

PUDR lawyer appeared on behalf of four journalists who had filed a complaint with the PCI about the communal bias in Mr. Girilal Jani's editorial Nov.2, 1984, Times of India. We lost the case.

3. Bhopal Group for Information and Action vs. State of MP.
(Civil No. 1643, 1986)

Petition seeks to link the right to information with the fundamental right to freedom of speech and expression. The volunteers have been charged with spying, under the official Secrets Act. Pending

4. P. Laksman Rao vs. State of A.P.

WP. (Civil No. 1986)

Petition concerns a bund built by the state government assisted by the centre. The bund on the Godavari river at Polovaram, west Godavari dist. is so constructed that the poor suffer annual floods in tribal villages. The matter has been referred to the High Court.

5. Dr. Anil Sadgopal vs. Union of India

WP.(Civil) No. 695, 1986.

Petition linking right to information with freedom of expression. More than 20 activists and gas victims have been implicated in numerous cases in the course of the last two years. The court has ordered a stay on all the cases. The stay was reversed in a recent order. The case is still pending.

6. Munnuswamy vs. State of Tamilnadu, 1985.

Petition concerning 10,000 fisherman, deprived of their livelihood in the wake of beautification drive of Marine Beach, Madras. Court had appointed Commission consisting of representatives of fishermen and the government to solve the problem.

It had directed that all the confiscated catamarans and boats be returned and the fishermen allowed to continue fishing from Marine beach. Case pending.

7. Vinayan vs. Dept. of Irrigation WP 10661/84

Contempt petition in SC because orders of SC not implemented. The case involves transfer of 318 workers because they had formed a union. Disposed of by an order.

8. Upendra and others vs. State of M.P.

A batch of writ petitions concerning 93 bonded labourers. Some of them have been rehabilitated & the sub-collector himself has brought out a list of 480 other bonded labourers who have been rehabilitated. The state has launched prosecutions against some of the labour contractors. Case pending.

9. Sheila Barse vs. Union of India (Civil, No. 1451 of 1985)

The petition focused on children under-trials, The court has directed strict compliance with the Childrens Act in all states, visits by District and Sessions court judges to district jails and provision of free legal aid for undertrial children. It has also asked for release of all children below 16 years of age held in jail and has advised the enactment of a National Children's Act. Petition disposed of.

10. Bandhua Mukti Morcha vs. State of Haryana and others.

Contempt petition has been filed on non-implementation of the judgement by the court. Pending.

11. CPDR vs. state of Maharashtra.

Petition concerns illegal deaths in police custody in Bombay. Case pending.

12. APCLC vs. State of Andhra Pradesh (No. 315 of 1984)

Petition concerns police camps in villages and colleges of Warangal district. Case pending.

13. Our cases challenging the Disturbed Areas Act in Andhra Pradesh and in the North-east are pending before the constitutional bench for several years.