

Understanding
PUCL

People's Union
for Civil Liberties



**UNDERSTANDING
PUCL**

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People's Union for Civil Liberties

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Preface

The PUCL constitution must be one of the shortest of any organization. Save the criteria of membership and its aims and objects, it says very little about the power and function of the office bearers and about the mode of its functioning. The constitution rightly assumes that the members of the PUCL are persons of integrity and commitment and are steeped in the spirit, which inspired its formation, and would act appropriately even where the constitution was silent. The trust was not misplaced, but the approach was short-sighted. It did not take into account the future when the new generations of members would not have the benefit of the experience of the founding members and the others of their generation. Worse, no systematic *record of decisions taken on ticklish or complicated issues has been maintained to guide the organization. As a result, occasionally some units take decisions, which may not be in conformity with the PUCL constitution. In fact, the PUCL constitution was so relegated to the background that quite a large number of members are not even aware of its existence or if aware, have not read or seen it. The members of the organization, who declare that they subscribe to its aims and objects and would abide by its constitution without reading it, would weaken it or may even hurt it in their innocence. This omission by the organisation needs to be rectified by emphasizing the centrality and indispensability of the constitution.

Acutely aware of the inadequacy of the material to guide the organization, I have been making effort to provide some guideline from time to time at the meetings of the National Council and National Executive Committee. This booklet compiles some of the papers presented at the meetings and some material published in other publications of the PUCL.

I hope it would serve some purpose.

I am very grateful to Prof. Daisy Narain, President, Bihar PUCL for relieving me of the strain and responsibility of the publication of this booklet by taking all the strain and pain on herself.

Prabhakar Sinha

National President

(PUCL)

15 November, 2016

- A very informative and important booklet bearing the title KNOW PUCL has been published by the National PUCL, which is a must read for us.

Introduction

The People's Union for Civil Liberties and Democratic Rights (PUCL & DR) was founded by JP in October, 1976 during the emergency. It had no written constitution. Anyone who wanted the restoration of civil liberties and democratic rights, which were suppressed could join it. Shortly after its formation, the emergency was lifted in March, 1977 after Indira Gandhi was routed at the Parliamentary election of 1977. But the Janata Government could rule only for a brief period, and Indira Gandhi was returned to power again in 1980. The experience of the Janata Government led to a realization that all governments tended to enhance their power at the cost of the rights and liberties of the people, and if they had to be protected the people must remain vigilant and exert for their protection. The return of Indira Gandhi to power also revived the memory and fear of the emergency. A convention was held in November, 1980 in Delhi to revive the PUCL & DR, but all the former members of the PUCL & DR did not agree to the form in which it was proposed to be revived. Thus, from the PUCL & DR emerged two organizations namely, The People's Union for Civil Liberties (PUCL) and The People's Union for Democratic Rights (PUDR). The difference was based on principle. While the PUCL proposed to include members of all political parties and organizations in their personal capacity if they subscribed to the aims and objects of the organization, a section of the members of the PUCL & DR did not consider the entry of the BJP and other such organizations agreeable. Both the PUCL and the PUDR have been sincerely working for their aims and objects as per their belief since their inception.

The working of the PUCL constitution has not been easy. It was one thing to invite all to join hands during the emergency for the shared goal of opposing Indira Gandhi's authoritarian rule while remaining completely free in all other respects and another thing to work in an organization with a written constitution some of whose provisions were in conflict with a member's ideological belief or commitment.

The first and foremost mandate of its constitution was to bring in all those who were committed to the promotion and protection of civil liberties in India regardless of their political ideology or belief if they subscribed to the aims and objects enshrined in it (section 2). In Bihar, members belonging to different C.P.I. (ML) parties along with the members of other political parties (the members of the political parties joined in their personal capacity), Gandhians, Sarvodayees and others with no political affiliation were inducted. The Marxists found it incomprehensible to treat the oppressor and the oppressed on the same footing, the Gandhians and Sarvodayees found it incomprehensible to have members who believed in the use of violence as a means to achieve their political ends and many wondered at the presence of members of the RSS and the BJP in the organisation. But gradually a consensus emerged. It was understood that in the PUCL, we all sit as the PUCL and all decision had to be taken in conformity with the PUCL constitution regardless of our personal stand on a question. Thus the PUCL was not to support use of violence, was to treat all whose life and liberty (and of course, other rights) were attacked on the same footing and no discrimination was to be made against any member due to his ideology, politics or belief. *Since the members were required to sign a pledge that they subscribed to the aims and objects of the organization and would abide by its constitution,* there was no question of a member taking a position contrary to its constitution in the PUCL. However, the members were free to voice their personal or party's view outside the organization subject to its not being against the PUCL's core values. For example, a member of the PUCL was not free to speak in favour of communalism, casteism,

police atrocity, killing in fake encounters, suppression of the media, subordination of the judiciary to the Executive or against women, Dalits or minorities on account of their gender, caste or religion etc.

The PUCL constitution also kept political issues, which are primarily the concern of the political parties, outside its ambit. It was obvious that if political issues were included in its agenda, its door would be shut for the people who were members of political parties. The members of political parties, who were members of the PUCL, were expected to be with the PUCL on the issues enshrined in its constitution, but could not be expected to compromise their ideology or defy their party line to remain in the PUCL on political issues. Due to the context and the concerns (the emergency and suppression of civil liberties and democratic rights in the country), which gave birth to the organization, its aims and objects confined themselves to the promotion and protection of civil liberties only in India. The founders of the organization were not primarily concerned about civil liberties all over the world, which must be promoted and protected globally, but were concerned only about its protection and promotion in our own country. It served another purpose also. If the PUCL had expressed adverse opinion on foreign countries, say on the Soviet Union or China, many of the members would not have agreed and would have left the organisation without any advantage to the people either in India or abroad.

Opening the membership to the members of political parties presented a ticklish problem in Bihar in the 1980s. Some members complained that they were implicated in false cases by the police. It was not unbelievable, specially in the case of C.P.I. (M-L) members. But it was collectively decided that the organization would intervene only if a member was implicated due to his activity of the PUCL or if the PUCL had knowledge on some objective basis that he was really implicated in a false case. It was so decided because the organization was not expected to know about the activities of each member and was not in a position to find out the truth in each complaint. Besides, it

could not, in all fairness, decide to look into the complaint of false cases of only its members and shut its door to the others knowing full well that implicating innocent persons in false cases was rampant .

Most political parties have organizations affiliated to them .They are not political parties themselves .Should the PUCL go into joint action with them ? This question also arose in the 1980s.It was felt that it was in the interest of the PUCL to keep a distance if it wanted to maintain its image as a non-political and non-partisan organization because all organizations whether associated with political parties or not have an image in the public mind, which is bound to influence their perception of the PUCL if it associated with them .It was also unlikely to have the agreement of our members , who had different political views , commitments and loyalty .

For example , In 1986, a convention of adherents of JP's Sampoom Kranti (Total Revolution) was convened under Shri V.M Tarkunde's leadership at Gaya,Bihar PUCL contradicted a news report that it was going to participate in it .The convention resolved to found the Sampoom Kranti Manch with Shri Tarkunde as its President .At an informal meeting of the PUCL with him (Shri Tarkunde) at Patna ,the question was raised whether it was right for the PUCL to keep away from the Sampoom Kranti convention when Sampoom Kranti was JP's ideology and he was also the founder of the PUCL ,specially when it was not the convention to form a political party . The President (myself) was asked to clarify . I stated that the PUCL constitution did not support or oppose any political ideology or revolution including JP's Total Revolution .Its role was confined to protect the civil liberties and democratic rights of the people including the revolutionaries .Therefore, it would have been against the letter and spirit of its constitution for the PUCL to participate in the convention. Shri Tarkunde agreed (he was the founder President of the PUCL and its respected Adviser) and the stand of the PUCL was vindicated and accepted as a norm .

It was envisaged that the organization would forge a close relation

with labour unions and women and students' organizations ,but the effort was not successful. The idea was that they would strengthen the PUCL as an organization for promoting and protecting civil liberties and democratic rights and the PUCL would be able to effectively protect their liberties and democratic rights when attacked .The effort did not bear fruit mainly because they (the organizations) were not enthusiastic about supporting an organization, which did not support their causes and demands and confined itself to protecting their liberties if and when attacked .

Sometimes, the organization was invited to join a campaign on an issue on which the host (inviting) organization shared the stand of the PUCL, but difficulties arose in joining it on other counts. For example, a front named Jan Sanhar Morcha (a front against carnages) was formed following the massacre of 23 unarmed persons attending a peaceful meeting at Arwal,Jahanabad (1986) in Bihar. The organizers of the meeting were believed to be a front of one of the *Naxal organizations .The Jan Sanhar Virodhi Morcha was also formed by organizations believed to be front organizations of the Naxalites .The concerned Naxal organizations were also admittedly involved in armed action against the landlords and their 'Senas' in the area . It was considered unprincipled to join hands against carnages with the people who also gave effect to carnages though they claimed to do it on behalf of the downtrodden against their oppressors .

The PUCL has been mindful that it does not join hands with others if it involves sacrificing or compromising its core values, principles, constitution or image.

Proposals were also received to coordinate with other organizations on a long term basis .The PUCL was approached by other organizations to join a Federations ,Confederations etc. to make the movement strong. The proposal was considered but was found incompatible with our constitution .It was obvious that joining a federation or any such body would oblige the PUCL to follow the decisions of the body of which it is a constituent or partner ,but the PUCL was not free

to follow a decision which was in conflict with its constitution. However, it was found possible to allow groups which declared that they supported the objectives of the PUCL to join as Institutional Member of the PUCL. To facilitate it, a Supplementary Rule for Institutional Membership was framed to allow such groups to join it.

However, the policy of the organization was to keep a friendly relation with the fraternal organizations and join them in programmes on a case to case basis after considering the pros and cons of the proposal. But there was no reservation on supporting them or cooperating with them with logistics or other kinds of help if required. For example, a member of the APDR was detained in Bihar. The PUCL Bihar arranged the filing of a writ petition in the Patna High Court for his release. The General Secretary of the State PUCL filed the writ in his personal capacity not as the General Secretary. It was so decided because facts not in the knowledge of the PUCL had to be stated on oath, which was not considered proper for the organization to do; but trusting the sister organization it was considered proper for any member to do it.

It had also been a policy to refrain from criticizing a fraternal organization.

In the face of atrocities of various kinds committed by the State or with its connivance, it had become imperative to enquire into these incidents to expose the lies propagated by the State to mislead the people and tell the people the truth. A very important report was about the anti-Sikh riots of 1984 following Indira Gandhi's assassination. The state units also made enquiries into the incidents taking place in their areas and released their reports, but there was no guideline about how the enquiry should be conducted and every unit had to decide its own course. Bihar PUCL had developed a detailed guideline for holding enquiries, which was adopted and refined by the National PUCL and included in KNOW PUCL.

The organization was committed to be objective, just, fair and free from bias in its enquiries, and produce reports, which

were objective and truthful. The PUCL has been mindful that its greatest strength was its credibility and the trust of the people, which should, in no case, be allowed to be eroded or made questionable.

A crucial ideological issue was raised at the National Convention held in Madras (the present Chennai) in March, 1982. Some important members contended that those who did not believe in the constitution and resorted to violence as a means to achieve their political objectives were not entitled to the constitutional protection, and the PUCL should adopt it as its policy. The Convention rejected the proposal and adopted the following resolution:

Resolution of the National Convention held on March 7, 1982, at Madras.

"The PUCL reaffirms its faith in the democratic way of life.

"it appeals to all to use to the utmost the agencies and methods available in an open society. Apart from other factors, violence, even for laudable objectives, will legitimize counter-violence by the State and other groups.

"it reaffirms that even those who have taken to violence are entitled to due process of law. We believe that this commitment is the very faith of an open society and also that adhering to this commitment is an effective way of converting all to the democratic and peaceful way of transforming our society."

There was an apprehension at the time of the framing the constitution that some group may be tempted to capture the organization to use it for its own purposes. To stave off this possibility the criteria of membership and the aims and objects (Section 2 and 3a) were kept beyond the amending power of the organization. However, experience has shown that a constitution may be subverted without amending it. For example, a unit may induct only like minded persons and make it a crony unit and may function unconstitutionally with nobody objecting. No constitution can guarantee the integrity of

an organization against the bad faith of its own members. The PUCL can fight the State and survive but not its subversion from within. The only remedy against it lies in faithfully following S 2 of the constitution by enrolling members who are persons of commitment and are different in their ideology and belief. This diversity will give strength to the organization and keep it safe from subversion and deviation.

Prabhakar Sinha

National President

PUCL

15 November, 20016

- Naxalite or Naxals is the popular name of the organizations, which have descended from the C.P.I. (M-L) founded by Charu Majumdar. The name Naxalite or Naxal is derived from Naxalbari, a village in West Bengal, where the first armed action was taken by the people under the leadership of the party.

PUCL : In Perspective

Civil Liberties in India Before PUCL

What are Civil Liberties

Civil liberties, civil rights, or human rights are terms which are often used inter-changeably. For the common person it does not matter. Correctly speaking the difference between civil liberties and civil rights on the one hand and human rights on the other is that the former two are generally liberties that are guaranteed to a citizen by law. For example, the Constitution or the laws and legal traditions of a country may guarantee every individual the liberty of thought, speech, action, enjoyments of life and property, equal right to the protection of the law to exemption from servitude etc. These liberties are limited by the enjoyment of same liberties by other individuals.

Human rights, on the other hand, are the inalienable rights of a person by virtue of being a human. All or some of these may or may not be written in the Constitution and laws of a country. These rights are considered to be universal and have been concretised by the United Nations in various categories. These may be political, economic, social, or cultural.

Theoretically, human rights belong to each individual, they are indivisible, and valid for all times. For practical purposes, we may speak of human rights of a group, like rights of the child, or the rights of women, or the rights of Dalits, because the individuals of that group are generally more vulnerable to assaults on human rights. Alternately, their rights may be assaulted because they belong to that group. For example the human rights of a woman that belong to her because she is a human being, may be suppressed because she is a woman.

The United Nations Organisation has adopted a document known

as the Universal Declaration of Human Rights. Every member country of the United Nations is a signatory to this declaration, which makes it mandatory for every member country to protect the human rights of its citizens. This document was adopted on December 10, 1948 and therefore, this date is observed as the Human Rights Day all over the world. Besides this declaration, there are other Covenants concerning human rights which have been adopted by the United Nations from time to time and member countries have been invited to sign and accept them. When they do so, it becomes their duty to implement them too. A signatory country may make laws to that effect, or in the absence of such laws, may implement them through policies and programmes.

Some of the important documents, apart from the Declaration of Human Rights, are the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These international documents define and continually expand the horizon of human rights. In India the Supreme Court has ruled that the High Courts can implement the provisions of these documents provided there are no laws specifically against them.

India: Nehru Takes Initiative

In early 1936 Jawaharlal Nehru wrote to a large number of political leaders and intellectuals about his idea of the need of a non-political and broad based civil liberties organisation for purposes of collecting and disseminating information and educating the masses. This culminated in the founding of the Indian Civil Liberties Union on August 24, 1936. This was followed by the formation of Unions at Bombay, Madras, Calcutta, and in Punjab as its units. Rabindranath Tagore was the first Honorary President of the ICLU and Sarojini Naidu the President. K B Menon of the present day Kerala was appointed as the General Secretary. Rammanohar Lohia, M Venkatarangaiyah, S Pratap Reddy made important contributions to popularise the concepts of civil liberties by writing booklets, articles, and pamphlets.

The Formation of Congress governments in some provinces resulted in a decline of initiatives of the Congress workers and slowly the first chapter of civil liberties movement in India came to a close.

The Seventies

It took about twenty-eight years for the second chapter to begin. The idea to form such a rights organisation in West Bengal took seed in 1968 resulting in the formation of the Association for the Protection of Democratic Rights (APDR) in Calcutta in 1970. The Andhra Pradesh Civil Liberties Committee (APCLC) was formed in 1974 and the Organisation for Protection of Democratic Rights (OPDR) in 1977 at Hyderabad. The Committee for Protection of Democratic Rights (CPDR) and Lokshahi Haq Sanghathana were formed in 1977 and 1979 respectively in Bombay.

JP's LEAD

Indira Gandhi imposed internal Emergency in the country in 1975. Thousand of people were detained without trial; news was censored; private premises, telephones, letters were trespassed without legal authority and above all, even the right to life could not be enforced by the courts. The 43rd amendment to the Constitution, drastically curtailed the rights and liberties of the people and the scope as also the powers of the courts, in the name of national crisis.

It became apparent, very soon, that this was a sinister step that would destroy the democratic fiber of the country and concentrate unlimited power in the hands of the Prime Minister, who would be then accountable to none.

Jaya Prakash Narayan called for a movement against this tyranny. This was the beginning of the third chapter in the history of the civil liberties movement. Lakhs of people joined the massive protest rallies on the call of JP's movement and thronged the meetings organised by him. Mass opinion was mobilised in favour of safeguarding the Indian democracy.

The Precursors

Jaya Prakash Narayan founded an organisation by the name of

the Citizens for Democracy on April 13, 1974 with Jayaprakash as its President and VM Tarkunde as the General Secretary. After JP's death (Justice) MC Chagla (Rtd.) became its President. The CFD was established as a result of the mass movement built up by JP in response to the political and economic crisis in which the country had been plunged, before the Emergency was declared. JP founded the People's Union for Civil Liberties and Democratic Rights (PUCLDR), in 1976. This organisation was meant to be complementary to the Citizens for Democracy (CFD). Now, the idea was to make the PUCLDR, unlike the CFD, an organisation free from political ideologies, so that people belonging to various political parties may come together on one platform for the defence of Civil Liberties and Human Rights. Era Sezhiyan was made the Convenor of a committee to set-up PUCLDR.

A national seminar was held on October 17, 1976. It was inaugurated by Acharya J B Kripalani. The PUCLDR was a loosely organised group of people who were working with JP. VM Tarkunde was elected as President and Krishan Kant as General Secretary.

The Emergency was lifted in 1977. The Janata Party, formed with the blessings of JP, came to power.

A very large number of people who had worked with him assumed power at the centre and an impression started floating that now the liberties of the people were secure. The dynamic element in the PUCLDR subsided. The Delhi branch of the PUCLDR, however, remained active under the leadership of Gobind Mukhoty.

During this time, the police and the governments of states like Andhra Pradesh, West Bengal, Kerala, Bihar, Orissa, and Punjab started claiming 'encounter killings' of 'naxalites' with alarming frequency. A fear that these could be cold blooded murders covered up as 'encounters', made Jaya Prakash Narayan set-up the Andhra Pradesh Civil Rights Committee comprising V M Tarkunde, Arun Shome, Nabakrishna Chowdhury, M V Ramamurthy, Kaloji Narayan Rao, B G Verghese, Balwant Reddy, K Pratap Reddy, and K G Kannabiran. This Committee recorded extensive evidence and issued two reports in May and June, 1977, establishing the fact, and giving

the details, of the killing of 16 young boys labelled as "naxalites".

These findings of the Committee that the boys had actually been arrested by the police from different places and then killed while in police custody provoked wide spread anger in the country and there were demands for setting up an official commission of enquiry to look into these alleged murders. The Andhra Government, therefore, appointed a Commission, headed by Mr. Justice Bhargava, K G Kannabiran and M V Ramamurthy who then presented the findings of the committee about these so called 'encounter killings' before the Commission. In the middle of the enquiry, the state government suddenly declared that its sittings would be in-camera. Kannabiran and Ramamurthy withdrew out of protest and the Commission was wound-up. It has, though, been established beyond doubt that the facts presented before the Commission were incontrovertible.



The Birth and Evolution of the PUCL

Jaya Prakash Narayan (popularly known as J.P.) founded the People's Union for Civil Liberties and Democratic Rights in October, 1976 when the country was under Indira Gandhi's authoritarian rule following the declaration of the Emergency on the flimsy ground of 'internal disturbance'. Following declaration of emergency on 25.26 June, 1975, in a mid-night swoop thousands, including J.P., Morarji Desai, Atal Bihari Vajpayee, and almost all political leaders of the opposition, were thrown behind the bars under the dreaded MISA (the Maintenance of Internal Security Act, 1971). So were thousands of citizens who had opposed Indira Gandhi's dictatorial ways. In this atmosphere of terror, it was an act of rare courage for those who responded to his call and joined it despite the threat of reprisal. Many people who had kept away from political parties or activities challenging Indira Gandhi's authoritarian rule showed the courage of conviction to take the risk. Despite the risk of imminent arrest and detention, a seminar was held on 17 October, 1976 in Delhi, which was inaugurated by J.B. Kripalani, a revered leader and close associate of Mahatma Gandhi, resulting in the formation of the People's Union for Civil Liberties and Democratic Rights (PUCL & DR). Earlier, Era Sezhiyan had acted as the Convenor of the Committee tasked to set up PUCL & DR. V.M. Tarkunde, a former judge of Bombay High Court and a leading light of the Radical Humanist movement was elected as President and Krishna Kant, who later was elected Vice President of India, was elected as General Secretary. Several persons not so well known living in the different parts of the country joined the organisation. Seven months after its inception, on March 23, 1977, the Emergency was lifted when Indira Gandhi and her party were decisively defeated

by the people at the election to Lok Sabha in early 1977.

The euphoria that followed the end of Indira Gandhi's repressive authoritarian rule gave rise to a misconception and false belief that with the installation of the Janata Party Governments at the centre and several states, democracy was restored and civil liberties were secure. This led to inactivity of the PUCL & DR. But very soon it was evident that 'democracy' as it existed prior to the emergency was restored, but democracy in which the democratic rights of the people were actually secure remained a distant dream. The Janata governments at the centre and in the states replacing their Congress predecessors did not hesitate to pass repressive laws and did not display a very different mindset. Further, the return of Indira Gandhi to power in the mid term election of 1980, revived the memory of the nightmarish experience of the emergency and impelled her political opponents and all others committed to a democratic way of life and democratic values to revive the PUCL & DR.

A conference was called in November, 1980 attended by important persons from different political parties and eminent persons committed to democracy from different walks of life. The Executive Committee, showed the wide support that the People's Union for Civil Liberties (PUCL, the organisation formed with a new name) received. Many from the PUCL & DR, who did not want to join PUCL formed another organisation based in Delhi under the leadership of Govind Mukhoty. The Executive Committee of the PUCL consisted of V.M. Tarkunde (President), Arun Shourie (General Secretary), Nikhil Chakravarty (Editor, Mainstream), Cho Ramaswamy (famous journalist), Girish Karnad (film producer), Nayantara Sehgal (writer), Balraj Puri, Madhu Limaye (M.P.) Surendra Mohan (M.P.), Asghar Ali Engineer, K.G. Kannabiran, Siddhraj Dhadha (famous Sarvoday leader), Professor Raj Krishna (Delhi University), S. Abul Hasan (Darululoom Nadwatulama, Lucknow), P.G. Mavlinkar (ex-M.P. Ahmedabad) and a few more. The composition of the National Copuncil replicated the picture of diversity of the country.

The organisation that came into being at the conference, with a

written constitution, was unique in many respects. Learning from the experience of the struggle against the authoritarian rule of Indira Gandhi in which people with very different political or ideological commitments could join hands for a common cause, the membership of the organisation was made open to all those who were committed to the defense and protection of civil liberties, regardless of their political or economic views. It was an act of great faith in the integrity of its members, who were considered to be capable of rising above their political interest and remaining impartial. Art. 2 of its constitution states the Aims and Objects which made it imperative to 'bring together all those who are committed to the defense and promotion of civil liberties in India, irrespective of any difference which they may have in regard to the political and economic institution suitable for the country.' This was a mandate to enroll a communist, a socialist, a Naxal, a Gandhian, a Sarvodayi or an RSS member in his individual capacity, if he was committed to the aims and objects of the PUCL. The PUCL & DR had its origin in the crisis of democracy in India, and the PUCL, its successor, too, committed itself to work for the democratic rights of the people of India. To ensure impartiality in its functioning, members of political parties had been made ineligible to hold any office. Similarly, not more than ten per cent members of the National Council or the Executive Committee could be from any one political party.

Unlike most of international or national human rights organisations, the aim of the PUCL was not kept confined only to defend civil liberties, but also to *uphold and promote, a democratic way of life by peaceful means*. Similarly, its aims and objects were not confined to protect the independence of the judiciary, freedom of the media or the victims of draconian laws, but also to prevent the suffering of the common man under the normal laws of the land or due to repression by the State or social evils. Apart from working for the repeal of repressive laws, its aim includes opposing police excesses and discrimination on the basis of caste, or religion and work for the reform of the judicial system to end delay, reduce heavy expenses and end inequities, prison reform, securing the rule of law and working for securing the 'recognition to the principle of the dignity of the individual'.

The salient feature of the constitution adopted by the conference was to place the common man and his suffering as the main concern of the PUCL. While most of the international and national rights organizations aimed at violations of the human rights of the individuals and groups, the PUCL aimed also at creating the condition for the prevention of the violation by working for the protection of the institutions and reform of the law. It also aimed at promoting democratic consciousness and values in the society without which civil liberties could not be protected.

To many it is intriguing that its aims and objects do not specifically include economic and social rights. There were very sound reasons for their non-inclusion. One was the obvious fact that economic and social well-being of the people was the main concern and agenda of the political parties, which compete with one another to capture power and use the power of the State for the economic and social betterment of the people according to their respective ideologies. The framers of the PUCL constitution, who were eminent persons from different fields including political parties, did not consider the economic and social well-being of the people an appropriate agenda of a civil rights organization. In a welfare State the welfare of the people was the responsibility of the political parties and not of the others, who were not in the competition for capturing power and using the power and resources of the State for the welfare of the people. It was also apparent to the framers of the constitution that it could be possible to agree to a common standard of life, which the people must be provided, but not on how that could be achieved. Opting for any one ideological approach was bound to drive out those members who did not agree because they adhered to a different ideology. Choosing any one way for economic and social well being of the people would have reduced the PUCL to an organization of politically like minded persons.

The PUCL constitution adopted by the Conference is deeply committed to democratic values and ways in its own functioning. It grants autonomy to the State branches and does not empower the national body with power to interfere in their working. There is no provision to dissolve a state branch or for action to be taken by the

President or/and General Secretary. It is completely free from a High Command syndrome. However, in the unfortunate event of a unit turning into a rogue unit, the National Council may remove any number of undersirable members by a two third majority.

The State Council has a similar right within its jurisdiction. The provision is a safeguard against arbitrary action.

The Conference elected V.M. Tarkunde as President and Arun Shourie, a reputed journalist, as General Secretary. A vigorous effort was made by Tarkunde Saheb to set up branches in the states. He personally moved from one state to another to open state branches and enroll eminent persons as members of the organization. His effort proved very fruitful and by late 1981 branches were opened in Bihar with Radha Raman as President, Delhi with Rajani Kothari as President, M.P. with Bhawani Prasad as President, U.P. with Laxmi Kant Verma as President, Gujarat with Justice Shakar Chand Sheth as President. Important persons were entrusted with the responsibility of opening branches in other states. K.G. Kannabiran, Siddhraj Dhaddha, Manmohan Choudhary were given the task of opening branches in A.P., Rajasthan and Orissa respectively. Some of the Ramaswamy (T.N), M.Q.A. Thomas (Kerala), U.R. Ananth Murthy and Khadri Shamanna (Karnataka). In West Bengal, Ananda Shankar Ray, a famous writer and in Bombay, H.M. Seervai were elected as President. V.R. Krishna Iyer, J.C. Shah and Dada Dharmadhikari also were involved in the activities of PUCL. These are only a few of the scores of eminent persons working to make PUCL a strong and effective organization.

The first meeting of the National Council was held on 4 July, 1981 in Bombay. The decisions cited below throws light on the nature of activities envisaged by the organization:

- (i) "Meetings shall be convened with persons who are active in the trade union movement, the youth and students' movement and in the women's movement. Bagam Rulpule, George Fernandes, and Surendra Mohan shall draw up the list of persons in the trade union movement who should be invited

for the first meeting. Mahesh Sharma, Arun Jaitely and Ramesh Awasthi shall draw up the list for the second meeting and Aloo Dastur, Durga Bhagwat, Ila Bhat, Pramila Dandwate and Mrinal Gore shall draw up the list of persons for the third meeting. These meetings would aim at better participation of trade union workers, youth and women in the activities of the PUCL.

- (ii) A meeting shall also be convened to exchange experiences with those who have been fighting oppression in different parts of the country and in different spheres. The editorial collective of the PUCL bulletin shall obtain reports from these individuals and groups about their experience in fighting oppression, in particular about the manner in which the civil rights of the resisters are curtailed during the course of their struggle for a more just order. Asghar Ali Engineer, S.N. Singh and Surendra Mohan shall prepare a list of such organizations and individuals and explore the possibility of convening an All-India meeting of such groups.
- (iii) A decision was also taken to set up a committee under the Chairmanship of Prof. V.V. John 'to examine the recent assaults on academic freedom. It was also decided to observe 'Independence of the Judiciary Fortnight' in cooperation with political parties, the Bar and all concerned citizens. Each unit of the PUCL will hold meetings during this fortnight to assess the threat to the independence of the judiciary, to educate people as to how the independence of judiciary is necessary not for the judges but for the people at large and to consider means by which these assaults may be met. Report of each meeting will be sent to the General Secretary in Delhi.

In pursuance of the policy of the PUCL, the M.P., unit (in 1981) 'appealed to all citizens to participate in the struggle for civil liberties, putting aside all their differences.' The PUCL was not conceived as a mass organization, but depended on the people's support for the protection of civil liberties. It did not join a campaign sponsored by a

political party, but it was customary to invite the political parties to attend our Conference and also to let them speak at the inaugural session which was open to non-members also. The PUCL was clear that civil liberties could not be protected or defended without the support of the general public.

The strength that the PUCL derived from the participation of eminent persons and important politicians did not last for long. The members of the political parties remained actively associated till late 1980s or the Lok Sabha election of 1989, but as the Congress party appeared to have grown weak and the prospect of their coming to power brightened and the fear of repression became remote, they lost interest in the PUCL. However, there has been no difference in the attitude to human rights of the Congress Party and that of the other parties ruling at the centre or in the states. They all have been hostile to human rights and supportive of repression to suppress opposition to their anti-people measures.

The withdrawal of the members of political parties and other eminent persons who had played a major role in the formation of the PUCL had an adverse effect. Their presence in the organization had lent it weight in the eyes of the society and inspired people to join it. It also reduced the reach of the national PUCL to different parts of the country and moral appeal for different segments of the society. The guidance of the national leadership became scarce and remote which led to the ignorance of the spirit of the organization and the spirit of its constitution. Sometimes an easy way of making the PUCL an organization of like minded persons was chosen. In some states the value of maintaining the distinct identity of the PUCL was not understood, and the PUCL's image of impartiality was compromised. Sometimes there was a conflict of interest due to multiple loyalties. In W. Bengal, for example, persons having a common political affiliation pushed out others by their partisan acts. To ensure complete control of the organization the state convention was held at a remote place in North Bengal and a State Executive was elected consisting of persons of their own choice. The national leadership took a firm stand and

advised the state branch to hold the convention in Kolkata so that maximum number of members might participate in the election. The advice was not heeded and the unit became defunct. In two states, there were complaints of office bearers misusing their office for financial gains, one by extortion and the other by an arrangement of give and take. The problem has been solved. In one state, persons fit for a fascist organization were inducted for using their muscle power to retain stranglehold on the organization. They stormed the meeting hall, disrupted the meeting of the State Council convened by the National PUCL and threatened the National General Secretary. The National Executive has unanimously resolved to rid the organizations of such elements.

Any description of the organization will remain incomplete without discussing Bihar PUCL. Bihar PUCL enrolled members with diverse backgrounds since its inception (1981) and a tradition and mechanism was instituted so that persons with diverse to antagonistic political beliefs could work in an atmosphere of friendship and harmony. All decisions are taken at its weekly meetings after due deliberations and in conformity with the constitution. It has been working so well that even members belonging to parties engaged in bloody clashes worked together in harmony in the PUCL. The Guidelines on Investigation in Know PUCL is based on the practice evolved and followed in Bihar. Bihar is a proof of the fact that the PUCL Constitution is not unrealistic or unworkable for persons of sincerity and integrity.

The organization no more has the benefit of leadership of persons of renown and stature of V.M. Tarkunde, Prof. Rajani Kothari, Rajinder Sachar and K.G. Kannabiran but the present incumbents have been making a determined effort to move forward on the strength of commitment to values and principles that the PUCL espouses, adherence to constitutional morality and a high standard of conduct. The effort has borne fruit and upholding the constitution and commitment to ethical conduct have been widely accepted as our guiding principle. Dr. V. Suresh, the present General Secretary has been visiting one state after another in his tireless effort to revamp the organization.

The decision taken at the first meeting of the National Council on 4 July, 1981 in Bombay shows that the PUCL intended to mobilize public opinion in favour of civil liberties. One meet at Hyderabad and another at Patna was held, but the experience was not very encouraging. The various organizations were not interested in so remote a cause, and would rather concentrate on their own specific interests. However, the organization has been active on a wide range of issues like custodial death, killing in fake encounters, police firings on unarmed demonstrations, communal and caste riots, oppression of the Dalits, rape, independence of the judiciary, freedom of the media, organized violence by the armed Senas of the landlords or the naxals, black laws, academic freedom, evil practices like, 'Sati' or 'Dain', problems of the Transgender, children, and many more. The detailed list is given in its publication Know PUCL.

One of the ways of intervention has been filing Public Interest petitions some of which have yielded spectacular result. It was one of the parties on whose petition the apex court ordered that candidates standing for election to Lok Sabha or State Assemblies must furnish information regarding their educational qualification, assets and criminal cases pending against them. Similarly, it was on its petition that the apex court held that the voter was entitled to have a choice to say 'None of the Above' (NOTA). In a recent judgment the apex court has given a detailed guidelines that the police has to follow in cases of fake encounters. It is expected to act as a deterrent against killing in fake encounters on the drop of a hat. The petition of the PUCL against death by starvation demanding the right to food has led to great relief to millions of poor men, women and children. These are only a few out of a large number of cases.

The organization has been active in all the states where it has branches and has been fighting to protect and promote human rights using peaceful means. However the valiant fight against 'Salva Judum' and the reign of terror let loose on the tribals of Chhattisgarh in the name of fighting the maoists deserves special mention. The Chhattisgarh PUCL under the inspiring leadership of Dr. Binayak Sen, General Secretary, Chhattisgarh, had been effectively opposing the horrifying

atrocities committed to the tribals in the state. The effort of the Chhattisgarh unit bore fruit and the Supreme Court declared 'Salva Judum' to be illegal. However, the BJP government of the state implicated Dr. Binayak Sen in a case to neutralize him by throwing him behind the bars and keeping him there for years. Though he had been meeting Narain Sanyal, a Maoist leader, in the jail with the permission of the government, the meetings have been used against him to charge him with sedition and other serious offences. He has been sentenced to a term for life. he is currently on bail. Similarly another PUCL office bearer Seema Azad, Organising Secretary, U.P. has been implicated in a case and sentenced a term for life.

The issues which the organization take up are not fixed. As new issues come up, the organization decides whether a particular issue comes within its ambit or not in the light of its constitution. Currently, some members feel that the organization should work for realization of economic and social rights of the people. The other view is that the PUCL can only demand those rights but cannot prescribe any particular policy or measure to achieve them. However, there is consensus that any policy or act of the State which results in violation of human rights concerns the organization and should be opposed.

The PUCL envisaged the organization to derive its strength from the people by sensitizing them on the questions of civil liberties. In the early days, public meetings were held on important issues like the independence of the judiciary or then 59th Amendment of the Constitution, which vested unbridled power in the State, or the attack on the freedom of the media. Later, going to the people discontinued as one of our means and reliance was placed on seminars and the media, which are no more interested in human rights. There is a growing realization that the human rights movement has unwittingly cut itself off from the people by ignoring the issues which are of common interest to all. Consequently, it has weakened the movement by alienating the masses. The PUCL has been exploring the ways and means of reaching the masses—one of them being taking up issues which are of common interest and concern to them. If the democratic rights and civil liberties of the last man are protected the rights of all above him will automatically

be protected.

Due to persistent disinformation campaign by the governments of all hues and colours, a wrong impression has been created that the PUCL supports violence and the organizations resorting to violence for achieving their political objective. The PUCL does not support resorting to violence as a means to achieve political ends or redress of grievances. Its constitution categorically states that it is committed to working for upholding and promoting democratic way of life by peaceful means. It further states that it is committed to work for the rule of law. There is no room for violence under the rule of law. In fact, the question of violence was raised at the Madras Convention in March, 1982 in a very different context. Some important members were of the opinion that those who do not believe in the country's constitution and resort to violence do not deserve the protection of constitution and the law. This view did not find favour, and after due deliberation, a resolution was adopted re-affirming faith in rule of law and democratic way of life.

A person accused of a crime should be punished according to the law. Any person accused of a crime should be dealt with legally as was Nathuram Godse or Ajmal Kasab (the Pakistani terrorist involved in Mumbai terror attack). No one should be killed illegally in a fake encounter or in the police custody or be just spirited away.

The PUCL firmly believes in the rule of law, but it does not mean the rule of unjust laws with unbridled power in the hands of the State to trap and persecute even innocent persons with immunity. Apartheid (system based on racial segregation and discrimination) in South Africa was an inhuman law of the land under which the black were subjected to inhuman treatment. The PUCL opposes the arbitrary and unjust draconian laws like MISA, TADA, NSA, POTA, UAPA, CLA and all other laws under which any innocent person can be prosecuted and punished with hardly any possibility of being proved 'innocent.' The AFSPA and similar laws under which an officer may kill anybody with immunity are not laws and give a lie to the claim that India is under the rule of law.

Though its constitution does not explain the expression 'by peaceful means' the gap is filled by subsequent advice recorded in 'Know PUCL' under the head 'Intervention Strategies'. It may hold public meetings, demonstrations, conduct investigation, issue press statements, file cases, approach Human Rights Commissions or Commissions for women and hold conventions etc. Great importance is attached to publications to serve as a means of communicating our message and views on issues of our interest and concern. The PUCL Bulletin became the mouthpiece of the organization and has continued to be published regularly since 1981. Know PUCL, which gives detailed information about the issues of our concern, guidelines for investigation, mode of working and a summary of important activities and achievement, was first published in 1988 followed by its editions published in 1992, 1998, 2003 and 2008. Several reports also have been published from time to time. The state branches publish material in English, Hindi or regional languages. Bihar unit published two volumes about its activities and the reports of its enquiries on the occasion of its Silver Jubilee Celebration in 2006. It has also published several booklets on human rights, black laws, 59th Amendment, resisting violations and the right to information.

Relation with other organizations is a ticklish issue for an organization with the members having different political affiliation or orientation. There could be no agreement on joining a federation or confederation with an organization perceived to disrespect the principles enshrined in its constitution. To stave off possible dissension and conflict in the organization the PUCL constitution was amended to introduce Art 3A, which read as follows:

"3A. Institutional Members: In addition to individual members there may be institutional members also. All voluntary groups and institutions (but not political parties or groups affiliated to them) which agree with the objectives of the PUCL and desire to joint it will be entitles to become Institutional members in accordance with the Supplementary Rules laid down by the National Executive Committee."

Thus, the Constitution bars organizational relation with other organizations except as having them as Institutional members. Political parties and groups affiliated to them are not eligible to be even Institutional member spirit is not to be organizationally associated with the organizations which may subscribe to aims and objects in conflict with the aims and objects of the PUCL. Due to an oversight, the organization had joined a conglomeration called C.D.E.O. and a front, Against War on the People. The PUCL withdrew from these because of the constitutional provision and the spirit behind the provision but without casting aspersion on the organizations concerned. The PUCL does not hold any of the rights organization and sometimes participate in joint action. There are broadly two views on the question; one is to participate in joint action on issues on which the approach is broadly similar while the other is also to see that participating in a joint action does not imply compromising our principle. For example the PUCL is against capital punishment, but is also against execution as punishment or vendetta by Non-State players. The PUCL while demanding abolition of capital punishment would also urge the Non-State players to put a stop to executions, but many organizations do not agree. One view is that this difference is not material and should be ignored while the other view holds that it is very fundamental because it is a case of following a double standard which is unprincipled and unethical and compromises the integrity of the organization. However the PUCL has decided that joining or not joining a joint action would be decided without prejudice on case to case basis.

Another important constitutional amendment was aimed at making the election of the National/State Executive Committee fully democratic. Earlier, the Executive Committee were unanimously elected at the Convention, but in Bombay Convention of 1992 some members raised an objection to unanimous elections and suggested that a full fledged election should be held. It was apparent that in the event of a context under the existing rule all the posts would go to the members of the place where the Convention was being held or whomsoever they wanted. To overcome this short-coming, the constitution was amended to provide that the Executive Committee would be elected

by the National or State Council (as the case may be), which would be a body of elected persons from different states. The number of council members would depend on the number of general members in the state. This system has made the election democratic and truly representative reflecting the choice of the members, and has made the place of the Convention of no consequence.

Our financial arrangement is both a source of pride and our Achille's heel. It was decided at the very beginning that donation/financial aid would not be taken from the government and business houses, which has now been extended to exclude funding agencies and corporate houses. Donations are accepted from individuals, specially the professionals sympathetic to our cause. Initially, eminent persons from the legal profession were actively associated with the organization and their voluntary and generous donation took care of the need of the organization. As time passed, the number of these members dwindled. Now that the national office has shifted from Dr. Yashpal Chhibbar's (the General Secretary for more than 20 years) apartment to a rented accommodation the expenses have gone up considerably. The resource crunch restricts its activities and is a big handicap. This is our Achille's heel.

The National PUCL organizes the J.P. memorial Lecture on March 23 (the day the emergency was lifted) every year. In order to create awareness about civil liberties and human rights, the organization had instituted in 1981 'Journalism for Human Rights Award'. The recipient/recipients were decided by a jury consisting of eminent journalists and persons. The award used to be given on the occasion of the J.P. Memorial Lecture on 23 March. This had to be discontinued since 2003 as it is beyond our means. Earlier, there were sponsors to meet the cost of the award. A lecture in memory of V.M. Tarkunde held on 23 November (i.e. the date on which the PUCL constitution was adopted) which used to be held in collaboration with a memorial trust formed by his daughter, has sadly been discontinued. So many members spending out of their own pockets and many additionally making contribution to the organization are a source of pride, specially,

because the society looks with respect at those who do social work without being funded by others.

The major problem before the organization is its alienation from the common man, specially the masses. A cause without the support of the people is a lost cause. The PUCL has been deliberating on the ways and means to reach the masses to make them realize that the human rights are more for them than the privileged and that it is for them to fight for their rights, but to educate, sensitize and inspire them to do it is our responsibility.



Address & Appeals to Associates

A Few Words About PUCL

Friends

Many of our members were born either after the Emergency or a few years earlier. In either case they may not be fully aware of the context which necessitated the formation of PUCL or the values it strives to promote and preserve. Many may not be quite conversant with its constitution or mode of its functioning. The latter is not unexpected as our constitution is very short and cannot be appreciated without understanding its spirit. In an appeal to our members issued a few months ago, I had tried to shed some light on the working of our constitution. A few words on this occasion would not be out of place.

PUCL was formed when the country was passing through an unprecedented crisis. In a midnight coup (25-26 June, 1975), Indira Gandhi declared internal emergency misusing the provision of the constitution in this regard, destroyed democracy and imposed her personal rule on the country. J.P. along with all the opposition leaders were thrown behind the bars, a complete censorship was imposed on the media and a reign of terror let loose by the administration. The slightest activity suspected of opposition to the dictatorship or a whisper for democracy or hostility to a politician supporting the emergency or to the lowliest of a government functionary landed one in jail. In such a situation, to form or join an organisation for the restoration of democracy was an act of great courage. Only people with deep conviction capable of making sacrifices joined it.

The constitution of PUCL contains some salient features whose origin is traceable to the experience of the struggle for the restoration of democracy. The struggle against Indira Gandhi's authoritarian rule was carried on by the people and parties with very different ideologies.

They included the Socialists, the Marxists (not the C.P.I., which supported the emergency), the Jan Sangh, the Gandhians, the Sarvodayis and several others. In spite of their antagonistic beliefs, they united to fight for democracy. It is on account of this experience that the framers of the constitution of the PUCL thought of an organisation not consisting of only like minded people but of all those who are committed to 'the defence and promotion of civil liberties in India'. The members of political parties are eligible to be members but in their personal capacity and not as representatives of their respective parties. There is no conflict of interest among them as the Aims and Objects (Art. 2) of the constitution of PUCL does not support any political party or its ideology or a plan to compete for power.

Despite this, initially it is not very easy for the people with diverse and even antagonistic views to work together. However, it has been possible because the members have been working in good faith without an ulterior motive. Difference of opinion is a natural and welcome phenomenon in any democratic organisation, more so in ours, which consists of such different individuals. However, the conflict of the views on any issue is easily resolved by reference to the constitution. When we suit as the PUCL, we speak on behalf of the PUCL and take the stand which flows from its constitution. For example, a Marxist does not believe in non-violence as a creed and believes in revolutions which may be violent, but he does not demand that the PUCL should not stick to its commitment to the use of only peaceful means in the same way, the PUCL does not demand that a person belonging to a party believing in violent revolution should not be its member. In fact, this dilemma was faced by the countries having different ideological positions while drafting the Universal Declaration of Human Rights. But in the interest of humanity, all the countries including Soviet Union under Stalin agreed to the draft which includes the right to property as a human right though to a Communist right to private property cannot be acceptable.

Thus, we are inclusive of persons who are committed to the defence and promotion of civil liberties regardless of their belief in

'political and economic institutions suitable for the country.' However, it is not open to those who may be interested in joining the organisation with an ulterior motive or whose entry may be inimical to the interest of the organisation. It is also not in keeping with the spirit of the organisation to enroll members who sign the membership form which contains the following pledge: 'I subscribe to the aims and objects of the People's Union of Liberties and agree to abide by its constitution'. The state units have to be very cautious on two points. They should not deny membership to a person who is genuinely interested in protecting and promoting civil liberties in the country on account of his political views or other extraneous consideration or enroll persons who are not able to understand and appreciate our aims and objects and/or the constitution. Many political parties have yielded to the temptation of increasing their membership by resorting to such bogus members and have lost their bearing.

An organisation born to fight authoritarianism is bound to be anti-authoritarian. This is amply reflected in our constitution. It confines the function of the National Convention to 'review the work of the organisation and lays down policies and programmes for future' and of the National Council to 'determine the policy and programme of the organisation, in conformity with the policies and programmes adopted by the National Convention.' Similarly, the Executive Committee is to 'promote the formation of branches of the organisation in every state in India.' It is evident that the constitution does not empower the national bodies to function as a 'High Command' and keep on intervening in the matters falling within the jurisdiction of the state or the district unit.

I want to emphasize this point because there has been persistent demand from interested persons for the intervention by the National bodies in matters falling within the exclusive jurisdiction of the state units. The PUCL at the national level must refrain from such intervention because it would be unconstitutional as well as fundamentally opposed to the anti-authoritarian spirit of our constitution. Sometimes, it may appear that an intervention by the national PUCL in the affairs of the state would be beneficial, but violation of the constitution and

compromising principles are always destructive of an organisation in the long run. It is the duty of the state units to act according to the constitution and zealously guard their autonomy.

It is very important to keep in mind that PUCL is committed to the use of peaceful means to promote democratic way of life and work for securing the rule of law. These have significant implications for us. The ruling elite in our country is guilty of misusing the power of the state to serve their narrow interest at the cost of the people, but we cannot support removing them with violence and use of force. We can only support their removal by peaceful and democratic means. It is due to this that we cannot support struggles even for just causes but fought with arms.

The emphasis on the use only of peaceful and democratic means is very important for a very different reason also. There have been incidents in which the members of the PUCL took recourse to threats which were translated into action. There have been cases in which some of our members have resorted to character assassination of their colleagues for one reason or the other. No organisation of civilized persons specially, if it is committed to the use of peaceful and democratic means can or should allow such objectionable conduct. Difference of opinion is inevitable in any democratic organisation but it has to be debated in a civilized language and manner. The same is applicable to the ventilation of grievances.

It has to be borne in the mind that the PUCL has nothing to offer to its members except the satisfaction he may derive from serving a great cause; but this is not a sufficient reason for most of our members to accept insult and humiliation and continue to be with us. It also needs to be borne in the mind that nobody would resort to insulting colleagues, intimidation and use of force to stay in an organisation like the PUCL for love for civil liberties. In an organisation like ours only those would resort to such unacceptable methods who have some ulterior motive because PUCL has nothing to offer which may be worth so such unethical conduct.

Some members have a feeling that we should be able to do things as fast as funded organizations. It should be appreciated that

PUCL and the funded organizations belong to two different species and are bound to have entirely different mode of working. However, it is important to remember that we are different without claiming that one is superior or inferior. The first difference is that funded organizations depend on their paid employees to execute a project for their funders. The services of their employees are available to them six or seven days a week. They have total control over them since the employees are available to them six or seven days a week. They have total control over them since the employees have no security of service. Besides, they have no financial constraint. A voluntary organisation like ours has to depend on its members for any work to be done. Our members who have to make a living can give only as much time as their circumstances allow. With voluntary members we cannot work for seven days a week at the rate of six or eight hours a day. Besides, we have to depend on small donations for meeting our expenses. It is also crucial to keep it in mind that we are not executing a particular project. Our object is to create consciousness among the people and inspire them to fight for their rights I have chosen to draw attention to the difference between these two categories of organizations to end the feeling of demoralization I happened to notice in many members. The members of the PUCL have reasons to take pride in the voluntary work they have been doing because they belong to a rare class of people who are ready to serve the society without expecting any return and are ready to suffer in the service of the society as Dr. Binayak Sen and Seema Azad have shown.

Before ending, I would like to repeat my appeal made to you a few months ago with a request to respond positively to enable the PUCL to meet the challenges before us.

*** Paper presented by Prabhakar Sinha, President, PUCL at the National Council Meeting held at the Gandhi Peace Foundation, New Delhi on 4 August, 2012.*



Strengthening PUCL: It's Constitution, Culture, Functioning and Strategy

An organisation, which does not adhere to its constitution, runs the risk of losing direction and straying away from its goal. The PUCL constitution, which is the product of knowledge, experience and unusual farsightedness of its framers, who had their fingers on the pulse of the people, has suffered neglect. To strengthen the organisation, it has to be brought to the centre stage to guide our future course of action.- *Prabhakar Sinha*

The constitution of PUCL is the very basis on which its members with different social, economic, cultural and political backgrounds have pledged to work together for the aims and objects enumerated in it. Deviation from the constitution is bound to lead to the end of the very basis of the agreement which is the foundation of this organisation. It was to emphasize this point that its membership form seeks the following pledge from those desiring to join it: 'I subscribe to the aims and objects of the People's Union for Civil Liberties and agree to abide by its Constitution'. It has to be borne in mind that the pledge in the membership form is not a mere formality but a solemn commitment and should not be taken lightly.

The PUCL constitution defines its territorial and ideological jurisdiction along with the provisions regarding the manner of its functioning. Some of the basis features of constitution are:

1. It is committed to work for the defence and promotion of civil liberties only in India (unlike Amnesty International or Human Rights

President's speech in the National Executive Meeting held on 11-12th May, 2013 at GPF, Delhi.

Watch whose jurisdiction is global). This explains its silence on the atrocities committed on the minorities in Pakistan or Bangladesh or Afghanistan or on the Tibetans struggle for freedom from oppression or suppression of the people fighting for democracy in Myanmar under Suu Kyi's leadership or human rights violation in Sri Lanka.

2. It is neutral vis-a-vis political ideologies and organizations. It does not support or oppose any political party or organisation. In short, PUCL does not support or oppose Gandhism, Socialism, Communism, the so called Naxalism etc. or the parties or organizations engaged in pursuing those ideologies, as its aims and objects do not include creating a system/society based on any ideology. However, its goal is to protect the people's democratic right to **freely pursue their political objective by peaceful means. In short, its goal is to protect the democratic right of the people to work for creating a society, which, in their opinion, is best for the country. It is the suppression of this right during the emergency which caused the realization that there could be no democracy without civil liberties and led to the formation of PUCL.**

But, it is totally opposed to ideologies, organizations or governmental measures destructive of its aims and objects. Thus, it is opposed to Fascism authoritarianism, Racialism, communalism, casteism or any other ism or practice inimical to its aims and objects.

3. It is not envisaged as an organisation of homogenous (persons of the same type) persons but of heterogeneous (different from one another) persons having a common commitment to defend and promote civil liberties in India. It is most significant that the first item of its aims and objects is the mandate that (2a Aims and Objects)'. The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India, irrespective of any differences which they may have in regard to political and economic institutions suitable for the country.

It is not only a basis feature of the PUCL constitution but also the very life of this unique organisation. Only its

heterogeneous membership can ensure that it does not deviate from its commitment to neutrality vis--a-vis political parties/ ideologies and is not exploited for partisan purposes beyond its constitution. Tinkering with it will destroy the life and spirit of the PUCL (though it may remain in existence as a body without a soul).

4. Decentralised functioning: Decentralisation is the life and concentration of power the death of democracy. With the first hand bitter experience of this reality during the emergency fresh in their mind, the framers of the constitution took care to ensure that the PUCL did not fall a victim to authoritarianism due to concentration of power at any level.

5. Autonomy in their internal functioning at different levels like the state and the district: Autonomy has been the hallmark of PUCL. Interference by the higher unit with the working of the lower units has been almost unknown, and continuation of this healthy and principled practice is necessary to strengthen the organisation.

The higher units do not interfere with enrolment of members and elections of units under them, as it may result in concentration of power and authoritarianism.

So long as there is no violation of the constitution, there should be no interference.

6. It is committed to the use of only peaceful means.

7. It believes in the rule of law and is committed to work for securing it. On account of this commitment, the PUCL never advocates preferential treatment to anyone accused or guilty of violating the law. The government has been deliberately maligning the organisation by alleging that it supports Maoists and terrorists and has no sympathy for their victims. PUCL is committed to strive and struggle to secure the rule of law and cannot support killing, maiming, abduction and other criminal acts perpetrated by anyone. It only demands that anyone accused of a crime must be punished according to the law. The PUCL firmly believes that anyone accused of a crime must be given the opportunity to defend himself as was given to Nathuram Godse, who

assassinated Mahatma Gandhi and Ajmal Kasab, a terrorist from Pakistan, found guilty of committing acts of terror in Mumbai. It demands that the State must act as lawfully as it expects the law-abiding citizens to do, and must punish its employees guilty of any crime as it punishes the others,

8. Its objective is to work for protecting and promoting the civil liberties of all the people living in India by its endeavour to secure them for the common man. The clauses 2c, 2d, 2h, 2j, 2k, 2l, 2m, 2n and 2o of its constitution particularly underscores this point. *Under them, the organisation is committed to strive to "undertake a constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles, to work for the withdrawal and repeal of repressive laws including preventive detention, to make legal aid available to the poor, to work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities, to bring about prison reform, to oppose police excesses and use of third degree method, to oppose police discrimination on the ground of religion, race, caste, sex, or place of birth, to combat social evils which encroach on civil liberties, such as untouchability, casteism and communalism and to defend in particular the civil liberties of the weaker section of society." It was rightly believed that if the rights of the weakest in the society are guaranteed, the rights of all above them are bound to be guaranteed. At the same time, the strategy of fighting for a few would weaken the movement by alienating the masses and narrowing the support base of the entire movement.*

The framers of the PUCL constitution had the apprehension that at some point of time, some persons intentionally or otherwise may try to so amend the constitution as to retain only its name and drastically distort its character. To stave off this peril they introduced a provision in the constitution which provides that the criteria of its membership and the aims and objects in the constitution cannot be amended. The relevant provision reads as follows:

"10 Amendments

The National Council will be entitled by the vote of a majority of its total membership to alter any part of this constitution except the aims and objects of the organisation and the criteria of membership as specified in clause 3 (a) above."

9. Its Culture: No democratic organisation can retain its democratic character and survive as a democratic organisation without commitment to democratic norms in its functioning. In the PUCL, a very broadminded approach is indispensable because the members with very different backgrounds may often find it difficult to understand and appreciate one another. We may consider the following suggestions (there is nothing new in them, but they need to be emphasized) to be borne in mind in course of interaction:

- A. **Having faith in one another's bona fides:** Without this trust, different persons with different way of thinking cannot work together if differences of opinion are perceived as motivated and not as an honest difference of opinion.
- B. Mutual respect and courtesy in all interactions including correspondence.
- C. While attacking an idea/proposal, care should be taken not to make personal attack.
- D. In our society, deference or affection for people inhibits the expression of free and frank opinions which may be contrary to the opinion of a person enjoying affection or esteem of the speaker. This self-censor must be shunned and we must perform our duty of expressing our honest opinion on any issue. To oppose a view is not opposing the person whose view is opposed nor does it indicate lack of respect for him/her.
- E. **To have zero tolerance for violent, indecent and anti-democratic conduct.**

Without mutual trust, respect and courtesy team spirit and camaraderie can neither be created nor be retained, and the organisation cannot be strengthened without them.

10. Its functioning:

A. The most complex and difficult problem the members of the organisation face is to rise above their personal beliefs (which is in conflict with the PUCL constitution) and arrive at what the correct position of the PUCL should be on any issue. When they sit as the PUCL, they have to temporarily suspend their personal position on any issue and accept the position flowing from the PUCL's constitution. It is only on this basis that Gandhians, Socialists, Communists, Naxals and the others may all work together as a harmonious team. Just as a judge may not personally believe in a law or a particular provision of the constitution, but honestly implements it because he has taken an oath to do so, so a PUCL member has to act according to the constitution of PUCL regardless of his personal view as he has made a pledge to abide by it. It is not an easy but quite a possible proposition. Bihar PUCL strictly followed the mandate of bringing together all those committed to defend and promote civil liberties regardless of their political views or commitment, and they have been working in harmony for more than last thirty-two years. Heterogeneous membership has prevented deviation from the principle of strict neutrality (vis-a-vis political ideology and organisations) and established the distinction between the role of PUCL as an organisation and its members as individuals or members of political parties and organizations. The PUCL members from C.P.I.-M-L parties often remind their members that they should not ask PUCL to do what was their job i.e. revolution to change the system to emphasize the distinction between their role as a member of the party and PUCL. It also established a distinction between persecution/prosecution of a PUCL member for acts done in discharge of his duty as a PUCL member and otherwise. While PUCL accepts full responsibility of the defence of a member persecuted for his acts as a PUCL member/functionary the, PUCL intervenes only to the extent of violation of their rights if its members are persecuted for activities undertaken in their personal capacity. This position is also accepted as logical, as our members are not expected to report their other activities to the PUCL, and the organisation has

neither knowledge of nor control over their activities in their personal capacity.

B. The relationship with other organizations: The question was discussed by the organisation and the idea of forming a coordination, confederation etc. was not found compatible with our heterogeneous membership, our independence and many of our position enumerated in our constitution like the use of only peaceful means, adherence to the rule of law and the principle of neutrality vis-a-vis political parties/organizations and ideology. However, the constitution was amended to introduce rules for Institutional membership to allow a group to join the PUCL as an Institutional Members. Clause 3(a) of the constitution on the subject reads as follows:

"1. Those groups desirous of admission as Institutional Members will have to (a) Announce their support to the objectives of the PUCL and (b) Apply for the same, after taking a decision to do so as per their respective by-laws."

The amendment clearly indicates that the PUCL does not favour association with organizations which may be engaged in some activities in conflict with its objectives. Association with organizations creates several problems where the members of the PUCL are not homogenous. First, it is very difficult for any organisation to be unanimously accepted as being eligible for association. It is also very difficult to find an organisation which shares our objectives in toto. Equally important is the consideration that an association with another organisation results in the PUCL being perceived by the public as being like it and losing its distinctive image and reputation. This is not to suggest that the other organizations honestly pursuing their goals are in any way inferior to the PUCL, but to emphasize that we are different because of some ideological differences. It is for this reason that we are separate organizations; and the PUCL should not allow its distinctive features to be obliterated and lose its unique identity.

C. Finance: The founders and the supporters of the PUCL were influential and resourceful persons capable of mobilizing funds to

provide it with its own accommodation, create a corpus for meeting its expenses, have full time researchers and employees for creating a data bank and running its office. But they chose the PUCL to remain an unregistered organisation not dependent on big money. It did not have even a rented office accommodation till 2009 and functioned from Dr. Yashpal Chhibbar's flat. The national office was managed by part time staff. The PUCL was envisaged as an organisation deriving its strength from the support of the people who would meet its meager financial requirement.

Departure from that policy would result in the organisation being dependent on those who may mobilize money and losing its independent character. Just as the power of money has destroyed the character of the political parties and derailed our democracy by making the Indian State subservient to the rich at the cost of the rest of the people, it is bound to destroy any institution/organisation depending on money beyond its normal means.

It was decided that we should approach persons (who may be supportive of our cause) to make a small contribution ranging from Rs. 1000/- to Rs. 5000/-. Unfortunately it has not been implemented. It's possible to enlist several thousand such persons whose support would be sufficient to meet our expenses if a sincere effort is made. This approach also would also create a large number of supporters of our cause.

D. Enquiry: The position of the organisation on the enquiry conducted by it is very clear. Our enquiries must be objective and absolutely impartial. Everyone is entitled to a fair deal and justice, and there should be no discrimination against any person. No person under an enquiry should be made to suffer on account of a prejudice. Keeping this in mind, the Guidelines on Investigation detailed in **Know PUCL** (p23: 2008) should be strictly followed. It is found that that reports prepared by some states read more like a subjective opinion of the writer/writers than an objective report based on the principle and practice of the PUCL.

E. The internal working: The PUCL constitution is very short

and does not deal with the details, which may be required for day to day working. An Appeal to the Esteemed Members.

Published in the PUCL Bulletin of May (2012) should be consulted wherever necessary to fill the gap.

11. Our strategy: The human rights situation is getting worse. No mainstream party is less inimical to human rights than the others. All of them who are in power are more or less the same in ruthlessness including those which had fought against the emergency. *It underscores the fact that to fight for one's own civil liberties is not the same thing as fighting for civil liberties as such.* These parties have shown that during the emergency they were concerned about their own fate and not the civil liberties of the people. However, it is of utmost concern to us that the people do not seem to react against ruthlessness of the parties in power, and unless the people react against violations of the rights, the parties in power would not relent, specially, because they act ruthlessly to promote and protect the interest of their paymasters. The only way to mobilize the people in favour of our cause is to make ourselves relevant by taking up the question of their dignity (which is contemptuously violated everyday) and violation of their rights under ordinary laws. Indira Gandhi was thrown out of power because the people had felt the pangs of the loss of their liberty and they could identify persons and organizations fighting for their rights. today, they do not consider us relevant, as we are indifferent to their fate. Just as an anti-corruption movement cannot be effective by fighting individuals incidents of corruption, so our movement cannot be effective by merely opposing a few cases of violation (though they are an important step for highlighting the issue). It is the common man whose support needs to be won and who needs to be mobilized against violation of human rights for our movement to be effective. In a democracy, it is only the fear of losing votes, which can instill fear in the rulers. If the political parties do not fear loss of votes for violation of human rights, they will continue with the policies to favour the rich and ruthless violation of human rights of those who stand in their way. If we want to be effective, we must sensitise the

people to rise not only against violation of their own rights but violation itself by identifying with the victims anywhere in the country. Unless this is done, the violations of the rights would remain the problem of the victims alone with the others remaining mute and indifferent spectators and voting for the violators on some other consideration.

- 2c To undertake constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles.
- 2d To work for the withdrawal and repeal of all repressive laws including preventive detention.
- 2h To make legal aid available to the poor.
- 2j To work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses and eliminate iniquities.
- 2k To bring about prison reform.
- 2l to oppose police excesses.
- 2m To oppose police discrimination on the ground of religion, race caste, sex, or place of birth.
- 2n to combat social evils which encroach on civil liberties, such as untouchability, casteism, and communalism.
- 2o To defend in particular civil liberties of the weaker section of society and of women and children.



PUCL : Does It Need Some Course Correction?

The character of PUCL and the letter and spirit of its Constitution cannot be fully understood without an understanding of the causes and context of its formation. The People's Union of Civil Liberties and Democratic Rights (PUCL & DR) was founded on 17th October 1976, by JP, during the emergency. Indira Gandhi had clamped the emergency to suppress the nationwide movement, which was to be launched by the opposition demanding her resignation in the wake of Allahabad High Court judgment finding her guilty of electoral corrupt practices and terminating her membership of the Lok Sabha. The Supreme Court had temporarily stayed the operation of the High Court order with the condition that she could attend the Lok Sabha but could not vote. The opposition was insisting on her resignation till her appeal to the apex court was decided. She did not resign and hit back by having President Fakhruddin Ali Ahmad declare 'internal emergency' (under Art. 352) at the night of 25/26 June, 1975 without the advice of the cabinet. In a midnight swoop, JP and the leaders of the opposition parties along with thousands of other activists were arrested and thrown behind the bars. MISA (The Maintenance of Internal Security Act, 1971), which was enacted for the internal security of the nation, was misused to protect the throne of Indira Gandhi. 34988 persons were detained under MISA and 75818 under DISR (Defence & Internal Security of India Rules). The press was muzzled. In a shameless misuse of power electric connections of the press in Delhi (at the night of 25

Presidential address during the National Council meeting at GPF, Delhi, 17-18th September 2016.

June, 1975) were disconnected to prevent their publication, Kuldip Nayyar, the then editor of *The Statesman*, was detained under MISA. Many other journalists were subjected to harassment. Censorship of the media was made a permanent feature and freedom of speech and expression was completely dispensed with and criminalised, even the publication of the proceedings of Parliament and courts was brought under the censorship.

To Indira Gandhi, an independent judiciary had been a thorn in the flesh for long. She wanted a judiciary committed to her government, which meant herself. She had superseded three senior judges of the Supreme Court because they had rejected her government's claim that Parliament could amend the Constitution as it liked without any restraint and appointed the fourth judge in seniority (Justice A.N. Ray, 1973) as the Chief Justice of India* because he had upheld the government's contention (in *Keshavanand Bharti Case*, 1973). The government had claimed that the amending power of Parliament was so unfettered that it could even establish a monarchy if it so desired. Later, she also superseded Justice Mr. H.R. Khanna and did not appoint him as Chief Justice of India (1976) because he rejected her government's contention that during the emergency when the right to move any court for the protection of fundamental rights including the right to life and personal liberty (Art. 21) was suspended (under Art. 359), even if a policeman killed a person for personal reasons, the judiciary could not interfere. The government could detain and even torture a person at will, but the judiciary could not come to his rescue (*ADM Jabalpur vs. Shivakant Shukla*, 1976). Thus, the judges were sought to be terrorised by supersession if they gave judgments against the government and by transferring judges of the High Courts who had the temerity not to toe the government line.

The government was not content with frightening the judges of the higher judiciary to get favourable judgments but ensured an emasculated judiciary by amending the Constitution (42nd Amendment, 1976). The apex court was divested of its power to review State laws, the High Court was divested of its power to hear cases against

the verdict of the Tribunals and the judiciary was divested of its power to entertain cases relates to elections. It was provided that the Constitutionality of a law could be decided only by a two thirds majority of a bench consisting of seven judges in the case of the Supreme Court and five judges in the case of High Courts. This was to prevent an adverse judgment by a simple majority. The power to disqualify an M.P. or State Legislator was taken away from the judiciary and transferred to the President i.e. the Union Government.

Through the 42nd Amendment, Indira Gandhi got what she had been longing for a long time—the unfettered power to amend the Constitution using her vast majority in Parliament. The Forty-second Amendment provided that 'amendments under Ar. 268 could not be questioned in any court on any ground' that amendments to the fundamental rights were beyond review and there shall be no limitation on Parliament's power to amend the Constitution 'by way of addition, variation or repeal'. She had succeeded in extinguishing democracy.

The rule of law was completely dispensed with. Her son Sanjay Gandhi, who held no post in the government, called the shots. The officers at the highest level took orders from him about arresting and detaining people, demolishing poor men's homes for his beautification plans and forced sterilisation to control population. Sanjay Gandhi had become an extra Constitutional authority, who wielded unbridled power without accountability. He had become a law unto himself. The Ministers and officers complied with his orders without raising any question.

An idea of the atrocities committed against the poor at the command of Sanjay Gandhi can be had by the phenomenal rise in the number of demolition of jhuggi-jhoparis (slums) in Delhi and sterilisation in the country. According to the Shah Commission, which enquired into the excesses during the emergency, 1,50,105 homes of the poor were demolished in Delhi during the emergency while the number was a mere 1800 between 1973 to 1975. The number of sterilisation in the country is no less staggering and shocking. The figure for 1975-76 was 24,85,00, for 1976 it was 42,55,500 and for 1976-77 it was 81,32,209.

It was obvious that a strategy of opposing individual cases of atrocity was neither possible nor likely to bear any fruit. The only remedy against the fatal blow dealt to the nation was to fight for the restoration of civil liberties and democratic rights. The PUCL & DR was formed to undertake that formidable challenge.

The name People's Union for Civil Liberties & Democratic Rights itself is significant and suggestive. People are not alike, they are diverse, they are not homogenous but heterogeneous. PUCL was not meant to be an organisation of like-minded people but a Union of People diverse and divided in many respects but united by the bond of the shared common goal of restoration of democratic rights and civil liberties. Restoration of democracy itself was left for the political parties to struggle for. The idea of such an unusual organisation might have come from the experience of the emergency itself. In the prisons, there were members of different political parties, RSS, Anand Margis, Jamait-e-Islamis, trade union leaders, a large number of people not associated with any organisation, teachers and students. They were different in many respects. Many of them held views which were even antagonistic, but were united in their resolve to end Indira Gandhi's authoritarian rule and restore democracy which Indira Gandhi had throttled.

The PUCL Constitution adopted at a Convention in November, 1980 is an embodiment of the thought and spirit which underlay its formation. The Convention invited people with very different backgrounds including the members of political parties. The participants were invited in their personal capacity not representing their parties or organisations. To make it a 'People's Union' in a real sense, the most important mandate its Constitution gives us is to *'try to bring together all those who are committed to the defence and promotion of civil liberties in India, irrespective of any difference which they may have in regard to political and economic institutions suitable for the country'* (Clause 2, Aims and Objects). The composition of the membership is the most authentic test of our sincere adherence to our Constitution.

Aware that civil liberties and democratic rights cannot be protected

without a democratic society, the first item in its aims and objects is a mandate to promote and uphold civil liberties and the democratic way of life. If the society is not democratic, it cannot react and resist undemocratic ways of the State. The people in the western democracies have a democratic temper and spontaneously react against undemocratic conduct of the State. We have a different background. There was no democracy in India and our society lacks a democratic temper. Promoting the democratic temper is our foremost task also because our society has been basically anti-democratic. The recognition of the inherent and equal dignity of the individual is the very foundation of democracy and human rights. The Indian society had been structured on its anti-thesis. Not only individuals but the communities were graded as high or low, touchable or untouchable on the basis of the caste to which the people were born. The scourge of caste, which denies equal dignity to the individual persists. Additionally, the minority communities (the Muslims and Christians) have been portrayed as aliens and demonised for decades by certain organisations. Securing 'recognition to the principle of dignity of the individual' has been enshrined as one of our laudable goals. Combating social evils like untouchability, casteism and communalism is recognised as essential to promote a democratic way of life and is one of our aims and objects. These primarily require engagement with the people and the society since they can be achieved only by changing the outlook and attitude of the people.

There can be no democracy without the rule of law. It is assumed that where there is democracy, there must be the rule of law, but the burial of the rule of law by Sanjay Gandhi who wielded extra Constitutional authority under his mother's government disproved this assumption. Our Constitution includes securing the rule of law and the independence of the judiciary as one of our aims and objectives. With the memory of a scared judiciary giving verdicts which may be considered a blot on it fresh in the mind, the need for the people to guard its independence in their own interest was acutely felt. The same was the feeling about the freedom of the press and independence of the mass media like the radio and television, which were under the government. Safeguarding their freedom and independence were also adopted as our goal.

The suffering of the people caused during the emergency by the repressive laws and excesses committed by the police made the PUCL take into its ambit a wide range of issues oppressing the people like judicial reforms, repeal of black laws, check on the police atrocities etc.

The organisation adopted the strategy required to meet the challenges before it. Holding public meetings to education public opinion was given high priority. Campaigns to educate and sensitize the people were undertaken. On the advice of the national PUCL, campaigns were carried on at different levels including district levels where possible. There were campaigns in the defence of the independence of the judiciary and the freedom of the press. There was campaign against 59th Amendment of the Constitution under which Rajiv Gandhi had assumed dictatorial powers under Art. 352 which was curtailed by the Janata Government by the 44th Amendment of the Constitution. Rajiv Gandhi tried to retrieve the powers under the provision for emergency, which were curtailed. There was vigorous and sustained campaign against TADA enacted in the wake of the movement for Khalistan.

The purpose of publishing the bulletin was to reach the people with our message to influence the public opinion. At the time of 1989 Parliamentary election, the PUCL approached the political parties with a Charter of Demands, which included making the right to work a fundamental right codification of the privilege of the legislators to make it compatible with fundamental rights, freeing the judiciary from the stranglehold of the executive by vesting the power of the appointment in a Commission and freedom of the radio and television from the control of the government. Efforts were also made to engage with trade union and other organisations for seeking their support for civil liberties and democratic rights. Issuing statements on important issues and conducting enquiries were considered our regular activity. The purpose of holding enquiries was to tell the people the truth. The people believed our version due to the PUCL's high credibility.

It is normal that the organisation has undergone a change with

the passage of time, but an introspection from time to time is required to ensure that it does not deviate from its course.

There has been a change in the approach to the enrolment of members at some places. The easy course of enrolling like-minded persons or persons with no interest in or understanding of our aims and objects has been adopted. It is a serious subversion of the PUCL Constitution, which mandates that the organisation should try to bring together all those who are committed to the defence and promotion of civil liberties and requires every member to sign a pledge that he subscribes to the aims and objects of the organisation and agrees to abide by its Constitution. Like minded members often fail to examine the pros and cons of an issue from the point of view of the PUCL and sometimes deviate from its position. In contrast, where the members are different in the backgrounds, issues get the benefit of being examined from different points of view and ultimately the point of view of the PUCL is arrived at. The non-serious members are a threat to the character and integrity of the organisation. The members, who do not understand and appreciate our aims and objects, can prove to be the weight which may sink the boat. Many political parties with sincere ideological commitment have become unrecognisable because they went for mass membership due to the pressure of electoral politics. The PUCL has no such compulsion and it must avoid the fatal course of enrolling non-serious members or only like-minded people. The organisation was not envisaged to be a mass organisation though it was envisaged as an organisation which would engage with the people to create awareness among them and inspire and arouse them to fight for civil liberties and democratic rights. This goal can be achieved only by knowledgeable and committed members even if their number is not very large.

Apprehending that at some point of time, an attempt may be made to make it an organisation of like-minded people or change its very aims and objects, the framers of its Constitution made a provision in its Constitution that its aims and objects and the criteria of membership cannot be amended (Clause 10).

Engagement with the people has become minimal. At the level of the state some engagement may be taking place, but there has been no national campaign for many years though a few seminars have been organised. It has been a major omission. The people in general are not aware that we or the human rights movement is relevant for them. The masses are almost cut off and the others have a distorted view that human rights are for a select groups of people and not for all. A cause which has no public support has almost no chance of success. The national PUCL took a decision to launch a national campaign for making the principle of the recognition of the dignity of the individual a reality but has not been able to implement it. We have to address the people to create awareness among them about their dignity and also address the State to accord the dignity which has been given to them in the law but denied in practice. The other national campaign which has been decided to be launched is to counter the threat to democracy from majoritarian politics. The state units also must engage with the people on the issue relevant to their respective areas. Some of the issue on which we go to the people must be of common interest. The issue of the dignity of the individual is one such issue which is of interest to every person.

One of the ways to reach the people is to produce reading material in a simple language. There is no likelihood of our organising public meetings attended by a large number of people, but a large number may be reached through the literature we may produce. States may translate useful literature produced by sister state units.

Though the organisation has made spectacular achievement through PILs, it has not been able to do anything about the reform of the judicial system, which is enshrined in our Constitution as one of its aims and objects. The judicial system in the country is very oppressive and unjust. It is too expensive for a common man to get justice, which means the system often delivers injustice in the name of justice. The judiciary is fast losing people's trust for no fault of its own. The judicial delay and its inability to deliver justice often drive people to take the law into their own hands. The PUCL needs to pay serious attention to

the short comings of the judiciary. A decision taken by the national PUCL to organise a seminar on the criminal justice system is yet to be implemented.

The PUCL is a unique organisation- the only organisation of its kinds. It is probably the only rights organisation which welcome persons of different ideological commitments if they subscribe to its aims and objects and agree to abide by its Constitution. The other unique feature is the range of its concerns enshrined in its Constitution as its aims and objects. It is not confined to opposing the violations of human rights but extends to creating the condition in which the rights can be protected including strengthening the institutions which lend strength to democracy. It aims at interacting with the society to combat social evils like untouchability, casteism and communalism. No doubt, it has set a goal for itself which is formidable, but it is its wide concern which makes it an organisation with a difference.

By narrowing our interest to the concerns shared by all other organisations we have lost our unique identity. We need to widen the area of our concern and also take up issues enshrined in our Constitution which are not the concern of the others.

Prabhakar Sinha

** Till 1993, the Executive had the absolute power to appoint judges of the S.C. and H.C. It also had the power to transfer the judges of the H.C.*



A Letter to the Esteemed Members

March 23, 2012

Dear colleague,

PUCL is probably the only human rights organization in the country of its kind, but it can achieve its objective only with your active involvement. It is true that everyone cannot be involved in its day to day working but a far more important and constructive involvement is not only possible but is urgently needed. To be vigilant and to critically examine whether the organization at different levels follows the letter and spirit of its constitution or not, and to strive for course correction, if any deviation is noticed, can be your most valuable contribution.

It is also your duty. So far we have not been able to involve you and seek your cooperation, but it is never too late to do what is right.

What makes PUCL unique, the only organization of its kind, is its criteria for membership. As a general rule, organizations enroll only like-minded persons as their members. It is quite logical and there is nothing wrong in it. However, the extraordinary context in which PUCL was formed and the extraordinary experience it went through resulted in the formation of this extraordinary organization in its present form (1980; with the present constitution, PUCLDR (People's Union for Civil Liberties and Democratic Rights; was formed during the emergency (1976; when Indira Gandhi had imposed her authoritarian rule by declaring internal emergency and destroying democracy. The victims of the emergency were not only her political opponents but

millions of innocent citizens. In anger and desperation, many political leaders felt that it was justified to use violence to fight a dictator. Some effort was made in this direction, which is known as Baroda Dynamite case. However, those who founded PUCL (then named People's Union for Civil Liberties and Democratic Rights or PUCLDR; believed that permanent democracy could be restored only with the support of the millions of common man using only peaceful means. This belief further deepened when at 1977 election, the common man who had been trampled under the authoritarian boot of Indira Gandhi threw her out of power. The impact of this experience can be seen in some of the salient features of our constitution the most important of them being its aim to bring together all those who are committed to the defence and promotion of civil liberties in India' regardless of their political belief and membership of political parties. An organization consisting of members having not only different but also antagonistic ideological commitment is both novel and unique. But it was envisaged that just as the people fought together against dictatorship regardless of their political differences, the members of the PUCL would honestly and sincerely fight together for achieving the Aims & Objects of the organization (section 2; The second important feature is its commitment to 'uphold and promote 'democratic way of life' by peaceful means [section 2(a)]. Another very important and basic feature of the constitution is complete negation of authoritarianism and the High Command Syndrome in its functioning.

As regards its objective, the aim of PUCL is to protect the life, liberties of all rather than only the victims of special laws. The life and liberties of all can be protected only by ensuring the rule of law. It is only by securing the rule of law that the rights and dignity of the common man, which are daily trampled under the boot of not only the police but the pettiest of public servant, can be protected. So, our Aims and Objects include securing the rule of law. Having been victims or witness to the repression under draconian laws, the framers of our constitution have also vowed to work for repeal of repressive laws, end police excesses and use of third degree method, prison reform, reform of judicial system, independence of the judiciary, freedom of the press

and independence of the mass media. Its aims and object also include opposing communalism, casteism and similar social evils. It has been specifically mentioned that the organization will work to defend the civil liberties of the weaker section of the society, women and children. To encourage freedom of thought and defend the right of public dissent is one of most important objectives of the organisation.

A look at the Aims and Objects of our constitution makes it clear that we have to fight for the rights of all the people of the country and to achieve this end we have to work for creating the condition necessary for protecting their rights. It is with this in view that our Aims and Objects are so inclusive and also so specific.

A very special feature of the constitution is its brevity (shortness). Only the criteria for membership and the Aims and Objects have been dealt with in detail. Very little has been said about the power and function of the office bearers. It has been assumed that those who join PUCL would be selfless persons committed to the spirit of its constitution and the great cause it aims to serve and would act in conformity with the spirit of the organization where no provision has been made in the constitution.

The letter vs. the Spirit of a constitution: The constitution of India is probably the lengthiest in the world with almost 400 article dealing with even the service condition of public servants, which should have been the subject matter of ordinary statutes, but despite the effort to take care of all problems, all of our institutions are in a shambles. Who is responsible for this degeneration? On the occasion of the 50th anniversary of our Republic, Prime Minister A.B. Bajpayee blamed the constitution for many problems and said that 'the Constitution has failed us'. President K.R. Narayanan countered by saying that it is not the Constitution which has failed us, but it is we who have failed the Constitution.' He was absolutely right.

The constitution of PUCL is so short and silent on the functioning of the organization that any deviation from its spirit is bound to destroy it. For example, there is no Article dealing with the power and function of the office bearers.

It does not even say that the President will preside over the meetings or that the General Secretary will convene meetings. However, the General Secretary has been entrusted with the responsibility of day-to-day work of the organization. Since the people like V.M. Tarkunde, H.M. Seervai and Annada Shankar Ray were envisaged to head the organization, the President was not saddled with the burden of the day to day working which was left to be done by the General Secretary with the advice of the President. Since everybody acted in conformity with the spirit of the constitution, there has not been any problem at the national level, and there would not be any in the future if the spirit of the constitution is respected.

Some of the basic features of our constitution are mentioned below:

1. The spirit of PUCL is to be inclusive. It aims at bringing in all who are committed to promote and defend civil liberties and are willing to sign the declaration that they subscribe to the Aims and Objects of the organization and agree to abide by its constitution. Even the members of political parties are eligible to join it in their individual capacity (however, they are not eligible to be an office bearer). The inclusiveness is aimed at reaching out to all sections of the society through the members coming from different sections. It also ensures that the organization will not be hijacked by any group to misuse it for partisan purposes. When there are members with different views and loyalties, they would not permit the organisation to deviate from its path of impartiality and rectitude.

The principle of inclusiveness is the very soul of PUCL, and it was considered so sacrosanct that it has been specifically provided that the criteria of membership cannot be amended.

2. It is anti-authoritarian:— The 'High Command' syndrome prevalent in the political parties has been destructive of their democratic functioning. Organisations which function undemocratically cannot run a government democratically. Wary of the prevalent practice of interfering with the functioning of the organization at the lower levels in various organizations, our constitution enjoins the National Executive

'to promote the formation of branches of the organization in every State in India' but does not vest it with the power to interfere. Our approach has been to persuade the State units or district units to find the solution themselves according to the constitution and healthy common practice and precedent where the constitution is silent.

So far, there has been no intervention. It is only when a body becomes defunct (i.e., ceases to function either due to infighting or some other reason, that National PUCL has advised the State to fund a replacement according to democratic norms and in conformity with our constitution. During the last thirty years, there has been only two occasions (in my knowledge; when the national PUCL was constrained to ask the State units to find a replacement democratically and in accordance with the spirit of our constitution.

3. Using only peaceful means: PUCL is committed to the use of only peaceful means to achieve its objective. By the same token, it does not support use of violence even for laudable causes and cannot acquiesce in the use of force or any other anti-democratic means in the organization.

4. The rule of law and the double standard: There is no room for discrimination in the rule of law. We hold that from the Prime Minister to the man on the lowest rung of the social ladder should be equal before the law and must be treated on the same footing. The State swears by this principle but has been willfully acting against it. Our fight is to compel it to adhere to it; therefore, we cannot manage to subvert the rule of law and get away with their crimes.

Sometimes, we are asked about attitude to terrorist or a maoist. Our answer is that if someone is accused of being a terrorist or maoist who is alleged to have committed a crime, he should be given the treatment which was given to Nathuram Godse (who confessed to have killed Mahatma Gandhi; and which is being given to Ajmal Kasab, a Pakistani citizen accused of terrorist acts committed in Mumbai Action should be taken against all accused, but according the law of the land. There should be no killing in fake encounters or in the custody of the security forces because the state has no evidence to get a conviction. It is plain murder and a slur on the face of India.

5. Association with other organizations: The question of organizations' association with other organizations had also come up years ago. It was decided that organizational relation with organizations not subscribing to our Aims and Objects would be unprincipled, and hence unacceptable. The constitution provides that voluntary groups and institutions (but not political parties or groups affiliated to them, may join PUCL as Institutional members (Art. 3A). The constitution does not provide for any other kind of relationship with other organizations.

There are also certain practices which have been followed by the National PUCL, which have the sanctity of a precedent. A few are recorded below:

1. It has been a cardinal principle to avoid working as a High Command by directly intervening to settle disputes of state/district unit. Our approach has been to insist that the units concerned must find a solution according to the letter and/or spirit of the constitution (if there is no provision pertaining to the issue concerned).
2. If a State has not been able to hold election in time, our approach has been to persuade it to do so as soon as possible. Direct intervention has been avoided. The National PUCL also does not involve itself in any negotiation to settle disputes among the contestants at the State/District level. The issue is left to be decided by the units concerned.
3. It has been the policy of the National PUCL not to enroll large number of members at the national office. When the organization was formed in 1980, and there was no State unit, the National office directly enrolled members, but the practice was discontinued when State units were formed. The policy has been adopted to eliminate the possibility of the National Executive destabilizing a state unit by enrolling a large number of members from the state.

The national office sometimes enrolls a member at the instance of the President/General Secretary as an exception. However, it is not common to do so.

4. If there is a dispute regarding membership of a person/ persons, the policy is to go by the record at then national office. Only those persons are accepted as members whose names had been forwarded by the State along with the one third of their membership subscription. They are recognized as members with affect from the date on which their names were received from the authorized person of the state concerned as per our record. However, no objection is raised by the national office if they are allowed to exercise rights as members by the State unit if their names have been duly recorded in the list of members in the office of the state unit.
5. If there is a complaint that either the President or the General Secretary has acted unilaterally, our approach has been to advise the complainant member/members to demand that the matter must be placed before the State Executive Committee, whose decision shall be final. Such members are informed that PUCL is a democratic organization and seeks resolution of conflicts democratically giving due respect to the autonomy of the State/District units.
6. In the event of the President and/or the General Secretary of a State not convening the meeting of the Executive Committee, they are advised by the General Secretary to do so.
7. In the event of the President and/or General Secretary evading convening a meeting of the General Body, Executive Committee or the State Council, the members concerned are advised to ask for a Requisition Meeting. If the President and/or General Secretary refuse to convene the meeting, a Requisition meeting may be held without them. However, if a Requisition Meeting is going to be held without a notice being issued by the General Secretary or the President, the National General Secretary should be informed in advance so that he may send someone as observer, who may facilitate conducting the meeting, if necessary. Such observer will not involve himself in the decision making which is the prerogative of the State/District Body.

8. Whenever, there is a credible complaint from the States against the State unit, our policy has been to draw the attention of the State unit concerned, ascertain facts from them and offer them advice if necessary, but firmly refraining from intervention. The intervention may be the last choice where the constitution is being willfully violated, and no attention is being paid to the advice to act within the framework of the constitution.
9. The National President and General Secretary receive complaints in hordes but it has been the policy of the organization never to form or express an opinion without hearing the person/unit against whom the complaint is made (i.e. if taking cognizance is considered necessary).

Forming and expressing an adverse opinion against and any person without hearing him or forming and expressing an opinion on any issue without ascertaining facts from the people concerned are universally accepted to be wrong and unacceptable. PUCL is totally committed to the principle of natural justice.

10. Though very rare, there has been complaint against some State functionaries of misusing their position for personal gains. The complainants demand an enquiry. Our policy has been to refrain from such enquires, as it might result in a spate of malicious and false complaint. We advise the complainants to vigorously oppose any move by the person concerned to prevent him/her from misusing his/her office and not to support any person of doubtful character in the future.

What can the members do?

I have drawn your attention to the letter and spirit of our constitution and also to some of our policies and the past practice. You may examine whether our membership is according to our constitution or not. If it is not, you may request your unit to move in that direction. You may help the organization in taking a stand or making a decision according to the letter and spirit of the constitution. You must judge us and draw attention to any wrong doing by us. By doing so,

you would be rendering a great service to the organisation and making an invaluable contribution.

Prabhakar Sinha, President, PUCL National

*** P.S. I also appeal to all the state/district units to organize meetings to familiarise our members with our constitution and its spirit. It should be appreciated that all of us cannot appreciate the letter and spirit of any constitution on our own. It would be very useful if the appeal is translated into the language of the state and given to every member.*



PUCL and the Challenges before the Human Rights Movement

I would like to urge the convention to pay special attention to the worsening human rights situation in the country, the state of our organisation and the strategy to meet the formidable challenge before the human rights movement. It is a paradox that instead of being more respectful to the right to life, personal liberty and other democratic rights of its citizens than the colonial government was to its subjects, the governments in democratic India treat them with utter contempt. In fact, independent Indian has far more draconian laws than their predecessor both in number and their ferocity. The Rowlett Act (which led to the massacre at Jallianwalabagh in 1919) is liberal compared to MISA (The Maintenance of Internal Security Act, 1971), TADA (The Terrorist and Disruptive Activities Act, 1984), POTA (The Prevention of Terrorism Act, 2001), UAPA (The Unlawful Activities Prevention Act, 1967) and a plethora of equally or more draconian laws enacted by the states. Under the Rowlett Act, thousands could not be detained in one swoop as had been done under MISA or TADA nor could one be detained on the orders of thousands of designated officers. A case under it could be initiated only by the local government, and the cases of persons under this Act had to be heard by a bench of three High Court judges and not by ordinary courts. This was done to ensure that the accused received justice because he was denied the assistance of a lawyer or the right to appeal. In contrast, thirty five thousand persons were preventively detained under MISA and seventy six

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thousand under TADA. Nineteen thousand were detained in Gujarat, where there was no trace of terrorism in 1980s. There was no outrage against the well-known detention of such a large number of innocent persons. In fact, it has been the practice of the governments in independent India to acquire unbridled power capable of arbitrary use by enacting draconian laws under the pretext of a need to solve some difficult problem, and then to misuse them for repressing popular movements or other purposes for which the law was not enacted. These laws are deliberately designed to be applicable to even the most innocent person and to ensure that its victims have no chance of early bail and very little chance of an acquittal. For example, when Vaiko (a Tamil Nadu M.P., who was part of the NDA and had voted for POTA) was detained under POTA by Jayalalithaa, neither the Prime Minister nor the judiciary could help him though the whole world knew he was not a terrorist. Even the provisions of the I.P.C. are openly misused and cruelly applied. A shameful example of the vindictiveness and cruelty of the governments in democratic India are the cases of Dr. Binayak Sen and Seema Azad. They were prosecuted for sedition which carries a maximum punishment of imprisonment for life. Both were awarded the maximum period of imprisonment. Dr Sen was (falsely) charged with carrying letters from a jailed maoist leader (whom he had been meeting by the due permission of the authorities) and Seema Azad was convicted only for being in possession of maoist literature. Mahatma Gandhi and Tilak were also prosecuted for sedition by the British Government under the same law (S 124A of I.P.C.) and were awarded only six years of imprisonment. Are Dr. Sen and Seema Azad a greater threat to the present government than Mahatma Gandhi and Tilak to the British Government? The difference in their punishment reflects the difference in the approach of the governments—one imperial and the other democratic. The imperial British Government appears liberal and free from malice by comparison.

The large scale killings in encounters (real and fake), in police custody. Police firings on unarmed demonstrators and large-scale disappearances of people reflect the contempt of the rulers for life.

Only in Punjab and J.K. more than twenty thousand people were killed in encounters since 1980. A large number just disappeared many ending in the mass graves later discovered. The figure of those killed in encounters and police firings since independence may be four or five times more. The police and members of security forces enjoy impunity from prosecution without the sanction of the government and thus have been given a license to kill. If the figure of those killed in encounters and police firings between January, 1901 to 14 August, 1947 is compared with the figure of those killed in identical circumstances since 15 August, 1947, the governments in independent India would appear blood thirsty.

It is the anti-people policies of the governments in independent India. Which have made it so repressive. If a democratically elected government genuinely works for the common man; there is very little conflict between the people and their government. The situation of serious conflict arises only when the government elected by the masses chooses to serve a microscopic minority of the rich at the cost of the common man. The governments in India have chosen to serve a handful at the cost of the rest against the mandate of the constitution. The constitution mandates that the State 'shall strive to minimize the inequalities in income' and 'endeavour to eliminate inequalities in status, facilities and opportunities' and ensure that 'the economic system does not result in the concentration of wealth and means of production to the common detriment'. It also mandates that the State should ensure that the ownership and control of the material resources of the community are not distributed in a way, which is detrimental to common good. The policy of the government has been to take the nation into the opposite direction. The inequalities in income are being maximized which is leading to maximization of inequalities in status, facilities and opportunities. The economic system is being operated to facilitate the concentration of wealth in a few hands and to facilitate monopoly of the material resources. All these have led to frustration and anger among the people, which are manifesting themselves in various ways at different places and are being ruthlessly repressed by the ruling elite. Globalisation has further accelerated the exploitation of the natural

resources for the profit of the rich and pauperization of the people. This policy is going to continue followed by wider and fiercer popular (violent or nonviolent) resistance and further ruthless repression.

The ruthless violation of human rights has been going on unabated because the public opinion is divided and the political parties do not have to pay a price. The ruling elite and the middle class see no injustice in them, and the unaffected masses do not identify with the victims of the violations. The repression of any section of the people is perceived as their problem and arouses no reaction and anger at their ruthless victimisation. The people react only if they are themselves victimized while others remain unconcerned. The biggest challenge before the human rights movement is to demolish this wall between 'We' and 'They'. So long this wall remains intact, effective resistance against the violation of human rights would remain elusive.

Organisations and institutions, like individuals, have a personality, a character and a culture, which may improve or deteriorate. The best example of deterioration can be seen in the visible change in the character of the Indian National Congress prior to independence and the C.P.I. and the Socialist Party since their inception. They were all a party with integrity and deep commitment to their ideologies and goals. They commanded respect of even those who did not subscribe to their respective ideology. They no more inspire respect and are perceived as more or less the same in terms of their character. They have all deviated from their laudable goals except in their empty professions. It is educative for us to understand the causes of their deterioration. All the three were parties with committed leaders and members. The Congressmen suffered and made sacrifices for independence, but turned into an organisation of self-seekers after the independence. What happened to the people who were once genuinely committed to the cause of independence and were ready to make sacrifices for the laudable cause? The change came because once freedom was won, they had no lofty goal before them to inspire them to rise above themselves and were overwhelmed by the temptations to which power and position exposed them. It is always commitment

to lofty goals, which inspires a person to rise above himself and overcome temptations. Devoid of it, one tends to yield to demands of self-interest. The once selfless freedom fighters yielded to this demand and went astray. The Communist Party and the Socialist Party changed due to a different reason. They were compelled to make indiscriminate enrollment of members to increase their number to meet the requirement of contesting elections. The influx of a large number of members without commitment to the ideology of the party led to their eventual deterioration. They succeeded in winning commitment to the ideology of the party led to their eventual deterioration. They succeeded in winning seats at elections but at the cost of their principles and integrity. Any organisation with lofty aims and objects cannot achieve its goal unless its members are inspired by its ideology and are deeply committed to its ideology and are deeply committed to its aims and objects and are capable of resisting temptations.

PUCL has to be mindful of this phenomenon if it has to retain its character and meaningful existence. It was envisaged as an organisation of people informed enough to understand and subscribe to its aims and object and be willing to abide by its constitution. Its membership form makes such a pledge a pre-requisite for joining it. An organisation comprising members with diverse to antagonistic views cannot be viable and is bound to disintegrate unless its members honoured their pledge ("I subscribe to the aims and object of the People's Union for Civil Liberties and agree to abide by its constitution"). PUCL which is committed to promoting democratic way of life using peaceful means and securing the rule of law among other things makes ineligible the people resorting to fascist methods (of using threat, intimidation, disruption of meetings and violence etc.) or believing in communalism, casteism, repression of women, Dalits and others or wanting to join it with an ulterior motive inimical to its aim and objects or who are incapable of understanding its constitution and the pledge they are required to sign. Induction of such persons would destroy PUCL from within.

The spirit of the constitution is to be inclusive of "all those who are committed to the defence and promotion of civil liberties in India,

irrespective of any differences they may have in regard to political and economic institutions suitable for the country "but not of others, specially, those who may prove destructive of its lofty goals. This places a great responsibility on us to be very cautious in enrollment of members.

Another caution in enrollment of members is to guard against the temptation of enrolling members who are alike in their views or on the basis of personal loyalty. This goes against the letter and spirit of the constitution, weakens the organisation and is bound to lead to cronyism. Enrollment of eligible persons having diverse background prevents deviation, enhances PUCL's credibility and dilutes the effect of any allegation of its being partial to any political party or organisation.

The members of the PUCL are bound to occasionally experience a conflict between their personal belief and the stand of the PUCL and have to rise to the occasion and act as a responsible member of the organisation. Just as a judge decides a case according to a law even though he may not personally believe in it, similarly, for members of PUCL only that stand is correct which is in conformity with our (PUCL) constitution. When we sit together as PUCL functionary/member, we all have to shed our respective views and act according to the constitution of the organisation. Bihar PUCL, which has members holding most divergent and antagonistic views (from naxals to Gandhians) from its inception, has shown that if the members discharge their duty with honesty there is no problem. However, if the functionaries enroll only those toeing their own line and impose their own views passing them as those of the organisation, PUCL will lose its credibility and efficacy.

The strength of PUCL lies in its credibility. The establishment is fully conscious of the fact that even small human rights organizations can hurt it if they have credibility in the eyes of the peoples. So, it has been targeting our credibility by alleging that it (PUCL) is an organisation secretly supporting the Maoists. If we go beyond the small circle of those who know us (PUCL) well, we will be surprised at the success of their propaganda. The bitter truth is that the number of those who have been influenced by the government propaganda is

alarmingly large. We need to introspect to find out whether we have also unwittingly contributed to the tarnishing of our image and how to undo the damage already done. Being narcissistic may prove suicidal.

The strategy of an organisation has to be based on its nature and character. There is a need for clarity about the character of the organisation, specially, because different kinds of organizations are working in the public domain. The first thing to be understood is that we are not a funded NGO and do not have to function like them. A funded NGO carries out the mandate of its paymaster either to give effect to some project or to advocate a cause. Secondly, its activities are carried out by paid full time employees whom it can hire and fire at will. It has more dictatorial power over its employees than either the government has on theirs or private companies have over their factory workers. PUCL is an independent organisation, which carries out its activities decided by itself in conformity with its constitution. Its members do voluntary work and take orders from nobody. The office bearers of the organisation are creatures of the members and not their masters. Thus, the pace and manner of its activities depend on the kind of members it has at different places. It has no whole time members. Its membership consists of concerned citizens who have to make a living and have to shoulder several responsibilities of life and cannot be expected to be at the beck and call of the organisation.

There is some similarity between PUCL and political parties in that both have members on a voluntary basis, but the similarity ends there. A large number of people are attracted to political parties by the prospect of power, position, influence and benefits it may offer. They (the parties) attract the masses by the promises they make to the people if they are elected to form the government. Their promises include incentives for almost all the areas of life, especially, the problems the people face in daily life. No area of life is beyond their scope. PUCL does not offer any benefit as an incentive to join it. Only those who wish to serve the society through it are welcome. Unlike political parties, it cannot make promises, which can be fulfilled by using the power of the State, as it is not in the race for political power. It cannot

promise to fight their battles as it does not have the resources and main power to do it in this vast country of 120 crores people. Its strategy has to be realistic not utopian or quixotic.

Reposing its faith in the wisdom of the common man inspired by their rejection of Indira Gandhi's dictatorship, PUCL has been envisaged as an organisation which would inculcate in the people the values which would promote a democratic way of life—the values which would act as a bulwark against authoritarianism and violations of human rights. People have been fighting for their own rights from time immemorial, now they have to be inspired to fight for the same rights of all. Achieving this is the most formidable challenge before the human rights movement and Puling whatever it does, it must keep it in the mind.

Our democracy was saved in 1977 by the masses and not the urban elite, which had begun to see merit in the authoritarian rule during the emergency. The media, which was gagged, had no role in it.

The human rights organizations including PUCL have ignored the common man who alone can save democratic way of life and protect human rights. There appears to be an assumption that the ordinary laws of the land are not undemocratic and the millions of common man are receiving just treatment by the State and their functionaries. The assumption is absolutely wrong and unacceptable. This has alienated the movement from the masses and created an impression that its concern is only the people targetted by draconian laws or killed in encounters or custody.

PUCL must work to bridge this gulf and ensure that the masses relate to us and realize our value and relevance for them. Secondly and most importantly, its task should be to create awareness in the masses to fight for human rights of all and not only for their own. They should be able to relate to anyone whose human rights have been violated and react against it. That awareness and commitment alone can be a guarantee against violation of human rights. The organisational a first step, must examine the anti-democratic, repressive and unjust provisions of the ordinary laws and make serious endeavour for their

removal. It should also produce literature for creating mass awareness, hold meetings, seminars and use other means for spreading the message of human rights. All other activities of the organisation like Dharna, protest march, filing of cases, issuing of statements are the means to achieve the ultimate aim of changing the mindset of the people and establishing human rights as a cherished value. There should be no illusion that any human rights organisation can become the guardian or protector of the human rights of the people. It is only the people who can be protectors of their human rights. The human rights organizations can only be its promoters, which is a formidable and laudable task.



Why is Kashmir Boiling?

A call to citizens to protest an encounter killing and brutal handling of after shocks

PUCL condemns brutal repression of unarmed protests in Kashmir and Urges the Indian State to act within the bounds of law to end terrorisms in the state.

PUCL expresses its deepest concerns about the manner in which the Indian security establishment has handled the protests that erupted across the Kashmir valley as a consequence of the killing of Burhan Wani in a suspected fake encounter last Friday, 8th July, 2016. By many accounts, Wani was shot at from close quarters of about 4 feet in a cold blooded murder and not in an encounter. Two other persons accompanying Wani were also killed by a special team of the security forces. Such cold blooded killings camouflaged as "encounter" in an alleged gun-fight is unacceptable in democracy. PUCL condemns both the Central Government and the PDFP led J & K government for launching an operation to liquidate suspected or real terrorists in fake encounters instead of respecting the rule of law and prosecuting them.

During the last few months, many terrorists have been killed in Kashmir without noticeable protest, but following Burhan Wani's killing the valley is on fire. The widespread protests in the valley has led to the firing in which as many as 34 unarmed Kashmiris have been killed and over 92 people injured including those hit in the eye by the so called non-lethal' weapons firing pellets, instead of bullets.

It is important for the rest of India to ask why there is so widespread and determined protest now when there was no previous

at such a scale every time alleged terrorists were killed? The obvious reason is that though the protesters accept that those who fight with arms must expect to be countered with arms, as in the rule of war as well as peace, but to them, the killing of Wani was not in a real encounter but in a fake encounter after luring him to the place where he was killed with his two friends. Most lamentably, the circumstances and manner of Wani's killing are being concealed from the people, but the people of Kashmir know it and are seething with anger.

Some newspapers have reported the circumstances and manner of Wani's killing but placed it at some obscure place. For example, the Dainik Bhaskar, Muzaffarpur edition (11.7.2016 on page 17) has published an account of the encounter based on an interview of Upmita Bajpayee with an officer involved in the operation. According to the officer, a honey trap was set with a girl known to be close to Wani, who lured him to visit her at her house at the village Badmura. The security forces were tipped and were also informed that the terrorists were not heavily armed. The house was surrounded and was set on fire to force him out, as the Islamists do not want to die in a fire as it is like 'Dokhaj' (Hell). As the fire raged, Wani reportedly came out supported by two of his friends. The security forces shot him from a distance of 4 feet. They also killed both of his friends though they initially wanted to capture them alive but killed them, too. The hearing of news item is *Khud Jaal Me Fansa Tha Wani, Sena Ne Ghera Tab Nase Me Tha, 4 Feet Door Se Mara Goli* (Wani walked into the trap himself, when the armed forces surrounded him, he was inebriated, was shot from a distance of four feet).

Kashmir would not have been on the boil if Wani were not killed in cold blood in a fake encounter after setting a honey trap. Most likely his death would have been protested like other cases of killing of terrorists in a real encounter but without the scale of current uprising.

It is important to point out that the alleged terrorists are being treated as worse than Nathuram Godse, who murdered Mahatma Gandhi and Ajmal Kasab, the Pakistani terrorist, involved in Mumbai

terror attack of 2008. None of them was shot dead like Wani. They were infamous sedition cases is the present case against Amnesty International India launched by the Congress government in Karnataka. In all these cases, what weighed were political considerations of the ruling parties and governments dealing a death blow to the rule of law and functioning of the criminal justice system.

It has been a long held position of PUCL that the anti-sedition law (sec. 124A IPC) should be repealed immediately. It is ironical that in Britain itself the sedition clause has been repealed while India continues to retain it.

PUCL appeals to all concerned citizens, democratically minded groups and human rights movement to once again give a call for repealing sec. 124A IPC and to launch a mass citizen's campaign to make ordinary citizens aware of the dangerous, anti-democratic nature of this archaic, colonial era provision of law.

PUCL also demands that the Government of Karnataka and the Karnataka Police immediately withdraw the FIR lodged against Amnesty International, India for the meeting organised by it on 13th August, 2016 in the United Theological College in Bengaluru.

Prof. Prabhakar Sinha, President Dr. V. Suresh, General Secretary, PUCL National.



How to Judge the Stand of PUCL

Dear Members,

Our attention has been drawn to few mails of PUCL members critical of the statement of PUCL on the repression of the people protesting against killing of Burhan Wani in Kashmir. As you are aware, PUCL has a written constitution and the organisation has to take a position on any issue in conformity with its provisions. Whenever you have any doubt regarding the correctness of its stand, please judge it in the light of its constitution and draw attention to the deviation from it, if you find any. We would be happy to make necessary correction if we find that a mistake has been made.

PUCL has issued a statement on the ongoing repression in Kashmir (Why is Kashmir boiling?). It is not a statement on Kashmir problem in general or terrorism or terrorists as such. However, some members feel that PUCL should not use the expression 'terrorists' for the people using arms to achieve their objective (whatever it may be) and call them 'freedom fighters' or rebels fighting the occupying forces of India instead. PUCL uses the expression 'terrorist' simply as a description of a person/persons, who may be involved in acts viewed as a terrorist act without regard to his/her objective. It uses the expression for those involved in the terror attack at Malegaon, on the Samjhauta Express, the terror attack in Mumbai and all other places including Kashmir.

PUCL does not support acts of terror or violence regardless of the cause for which violence is unleashed. It does not classify or categorise terrorists as good terrorists, bad terrorists or non-terrorists or freedom fighters. It has no information who among the terrorists in Kashmir is fighting for Azadi and is a 'freedom fighter' or who is fighting for Kashmir's accession to Pakistan and who is acting as an agent of the ISI. PUCL refrains from such an exercise. It also refrains from **offering solutions to political problems (not covered by its constitution)** as it would be going beyond its jurisdiction. PUCL was formed to fight to protect the civil liberties and democratic rights of the people so that they might fight for their **objectives democratically using peaceful means.**

It is pertinent to note in this context that PUCL does not support **use of violence as a means even for laudable goals.** The following make this point very clear:

Art.2 of its constitution provides as follows:

"The aims and objects of the organisation will be

2a. *To uphold and promote BY PEACEFUL MEANS civil liberties and the DEMOCRATIC WAY OF LIFE throughout India. (emphasis added throughout).*

2g. *To secure the rule of law and the independence of the judiciary".*

Historical context of PUCL's stand on use of violence as political means:

The question of violence was forcefully raised by some members at the National Convention held in Madras (the present Chennai) on March 7, 1982. The context was the contention of some members that the Naxals should not be given the constitutional protection as they resorted to violence and did not believe in the constitution of India. The demand was firmly opposed and the following resolution was adopted on the question of violence:

"The PUCL reaffirms its faith in the democratic way of life.

It appeals to all to use to the utmost, the agencies and methods available in an open society. Apart from other factors, violence even for laudable objectives will legitimise counter violence by the state and other groups.

It affirms that even those who have taken to violence are entitled to due process of law. We believe that this commitment is the very faith of an open society and also adherence to this commitment is an effective way of converting all to the democratic and peaceful way of transforming our society". (Ref.: Know PUCL, p 67, edition, 2008).

I think that the provisions of the PUCL constitution and the resolution of the National Convention cited above should leave no room for doubt that the statement of the PUCL under discussion is absolutely in conformity with its constitution. *The PUCL constitution does not allow it to support use of violence even for laudable objectives.*

However, I would like to cite one more provision of the PUCL Constitution, which would explain why divergent opinions exist among our members.

Art 2 of the PUCL constitution reads as follows:

"2. Aims and Objects

*The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in INDIA (emphasis added all through), irrespective of any differences which they may have in regard to *political and economic institutions suitable for the country".*

Thus, PUCL has among its members Gandhians, Sarvodayees, Naxals, other Marxists and persons with commitment to no political ideology. It is impossible to expect the position of PUCL to be in conformity with the personal belief of all of its members holding different to antagonistic views. The very basis of all of us remaining in the PUCL and working together is our commitment to adhere to its constitution. It is not at all unusual that sometimes some of the members find the position of the pucl sharply in conflict with their personal view, but we have to accept that the stand of the pucl must be determined by its constitution and not by the personal views of its office bearers or some members or public opinion. In fact, the office bearers would be guilty of violating the constitution and abdication of their responsibility if they take a stand which is contrary to the PUCL constitution.

Prabhakar Sinha, National President, PUCL.

Sept. Bulletin-2016

Note:

* PUCL has members for whom non-violence is an article of faith and also those who believe in bloody revolution. It has members, who do not believe in the Constitution of India and there are those who are deeply committed to the Constitution. There are members, who believe that unless there is a classless society the violations of human rights would continue and that PUCL should work for a classless society. There are members who believe that democracy would come to an end as soon as those working for a classless society come to power. PUCL does not endorse any one of these views held by its members and faithfully abides by its Constitution.

PUCL also refrains from taking a stand on political issues not covered by its constitution. A few examples given below show the possible consequences of deviating from this position.

During the Jharkhand movement, there were members who were for Jharkhand state and wanted PUCL to work for 'the legitimate demands of the people of Jharkhand'; but there were as many others from Bihar, who were opposed to the demand. The same was the case during the Telangana movement. In fact, the President of AP

PUCL unit demanded on several occasions at the meetings of the National Executive and the National Council that PUCL should take a stand in favour of Telangana State but realised that PUCL could not take a stand without violating its own constitution.

Similarly antagonistic views exist among the members on how to solve the Kashmir problem and what would be its right solution. However, realising the fact that **Offering a solution to the Kashmir problem would be going beyond the jurisdiction of the organisation; PUCL has refrained from offering any 'solution' to the Kashmir problem till date and continues to do so. It would continue to refrain from offering solutions to political or other problems not covered by its constitution.**

On Kashmir also there is wide difference of opinion among PUCL members. There are members, who firmly hold that J & K is now an integral part of India and the issue cannot be reopened. There are members, who hold that the right of self determination should be given to all the 'nationalities' living in India and not only to the Kashmiris. There are members who hold that Nagaland should be given the right of self determination first. There are other more rigid views on Kashmir held by many of our members. **PUCL does not endorse any of them, but the members are free to hold and express their views in their personal capacity without involving PUCL.**

In Patna, on July 18, 2016, a Protest March was organised against the ongoing repression in Kashmir and in support of the right of self determination of the people of Kashmir. Several important PUCL members including a few NC members were involved in organising the event. They were also arrested and detained for a while, but they acted in their personal capacity and not in the name of the PUCL. ***PUCL members are free to act according to their belief in their personal capacity on political issues not covered by its constitution.***

Important Note: Persons joining PUCL sign the following pledge:

• "I subscribe to the aims and objects of the *People's Union for Civil Liberties* and agree to abide by its Constitution. Please enroll me as a member".

P.S.: It is normal for other organisations/ persons to welcome PUCL's stand if it is in their favour and criticize it if it is not favourable to them. We should appreciate their right to do so and take the response in our stride.



PUCL : Organisational Structure and Working

Organisational Structure

The PUCL has a three-tier structure. The base is the general body known as the National Convention. Then there is the National Council, and it's Executive. Elections of the office bearers, the National Council, including the National Executive Committee, are held according to the provisions of the Constitution appended at the end. The office bearers carryout the policy and programmes laid down by the National Council and its Executive Committee.

The national PUCL establishes the State branches. The structure of a State branch follows the pattern at the national level. The State branch and its office bearers organise and co-ordinate the working of the organisation in the State concerned. They are responsible for establishing local branches in the district and cities and towns. Here too the structure follows the same pattern.

Guidelines for Action

The base of the PUCL, are the local level branches. The office bearers and the members of a local branch are the most crucial functionaries, as only they are in a position to intervene directly. Also, it is here that the actual suppression or the denial of the liberties of the people takes place. It is the activities at the local level that give shape and an identity to the organisation. The initiative and the alertness shown by the members at the district or city level is the most important element in the movement for civil liberties. Wherever necessary, a local branch can and should enlist the help and support of the state branch, and if necessary, also of the national PUCL. The state and the national PUCL can only act on the basis of the information supplied by the local branch to support their work.

Whenever some important situation develops affecting the liberties of some individuals, or a group, or the common people, the concerned branch of the PUCL has to ascertain the facts before taking any action or committing itself to an action taken by some other group or organisation. Care should be taken not to become involved in activities of political parties or groups.

If some incident takes place that is of wider importance it is always better to organise action at a wider level (State and/or national). Coordination of activities with the State and/or national office is of utmost importance. Care should always be taken that one local/State branch does not take initiative on a problem in the area of any other local/State branch unless requested by the concerned branch or advised by the State or National office at Delhi to do so. If some matter concerns two local/State branches the other local/state counterpart can be contacted directly or through the National office.

Branches

The PUCL has its branches in almost all the States. The National PUCL and the Delhi State PUCL always act in close co-ordination as both the offices work from Delhi. The Mumbai PUCL has been established as a branch separate from the Maharashtra PUCL.

All the State/local branches are required to print letter-heads with the address of the national office at Delhi at the bottom, apart from their own address at the top.

Issues and Concerns

In an under-developed and poor country most often it is the poor and the disadvantaged and vulnerable sections of society, including women, children, minorities, prisoners, and various others, whose rights and liberties are taken away. In India, one has to take into account the oppression of the caste system and also the communal divide. On the other hand, the PUCL cannot, also neglect the wider question of issues like freedom of the press and other media, the independence of the judiciary, etc. It is, therefore, difficult, and also unnecessary, to differentiate between issues of civil liberties and human rights. Therefore, the PUCL often finds itself engaged in activities that may not be strictly related to civil liberties.

Corruption

Similarly the PUCL may sometimes find itself engaged in activities which may not be strictly related directly to both civil liberties or human rights. One such issue is corruption. Corruption is not directly an issue of civil liberties and human rights, but it leads to, in many cases, serious and wide ranging suppression of both.

Though it is not possible to list issues that the PUCL can concern itself with and the actions that can be taken, we list below some important points:

1. The Police
 - Police firings
 - Torture
 - Deaths in custody
 - Encounters
 - Repression of democratic movements
 - Collusion with vested interests
 - Role in communal conflicts
 - Misuse of Cr.P.C., I.P.C., etc.
2. Jail and Custody Conditions
 - Compliance of guidelines issued by the NHRC/Supreme Court from time to time
3. Political Prisoners
 - Arrest made under laws violating human rights
 - Pending cases, without trial
4. Rural Poor
 - Repression of struggles for minimum legal rights
 - Non-application of Tenancy Acts
 - Alienation of lands
 - Exploitation by landlords, traders etc.

2. As a rule, the PUCL does not get involved in inter-trade union rivalry or intimidation of an individual by another in individual capacity. But in each of these cases, if the police or State apparatus intervenes, or deliberately ignores basic legal rights, then it becomes an issue where the PUCL can intervene.

- Oppression of scheduled castes and tribes
- 5. Industrial Workers
 - Repression of strikes²
 - Problems on shop-floor
 - Pollution at work place, etc.
 - Displacement caused by semimechanisation. (PUCL as a rule does not get involved in inter-trade union rivalry unless the police intervenes.)
- 6. Unorganised workers
 - Urban
 - Rickshaw pullers
 - Construction labour
 - Domestic servants
 - Slum and pavements dwellers
 - Child labour
 - Rural - Miners
 - Child labour
 - Construction workers
 - Contract labour at industrial site
- 7. Tribals
 - Impact of development policies
 - Industrialisation
 - Land alienation
 - Displacement
 - Rehabilitation
 - Exploitation of natural resources
 - Suppression of other rights
- 8. Dalits
 - Practices of untouchability
 - Denial of access to social customs and traditions, or places of worship, etc.

- Oppression and exploitation of women
- Connivance of police with upper-caste and vested interests
- Denial of Reservation, wherever applicable
- Rights affecting both economic and social conditions
- Dowry deaths, rape, molestation
- Supreme Court guidelines on sexual exploitation of women at workplace
- 9. Women
 - Attacks on journalists
 - Intimidation of editors
 - Attempts at censorship
- 10. Press
 - Problems of lower courts (delays, favouritism, etc.)
 - Monitoring judgements that affect vulnerable sections like children, unorganised labour, dalits, etc.
 - Monitor cases taken up by PUCL and fraternal organisations
- 11. Judiciary
 - Intimidation of dissenting intellectuals
 - Discrimination against Karmacharis
 - Persecution of politically conscious students and teachers
 - Non-enforcement of rights of the Scheduled Castes and Tribes students
 - Ragging
- 12. Universities
 - Rights over natural resources
 - Pollution - air, water, noise, etc.
- 13. Environment

- Deforestation
 - Displacement caused by dams, industries, mining, etc.
14. Culture
- Attacks on individuals and cultural groups
 - Intimidation of minorities and tribals keen on maintaining their cultural autonomy
 - Fighting censorship
15. Communal Conflicts
- Role of administration, police, State, and Central governments
 - Role of individuals, groups and political parties in abetting the communal elements and rioters.

These are some of the issues that the PUCL has been taking up and that form the central thrust of PUCL's activities. The central focus has to be on how the State and its agencies undermine the rights of the people, directly or indirectly.

Intervention Strategies

Interventions can be made in several ways:

1. Public meetings
2. Demonstrations
3. Investigations
4. Press statements
5. Cases filed in Court
6. Cases taken up with State Commissions or other institutions at the National level like the NHRC, NCM, NCW, etc.
7. Assisting local mass organisations towards mobilising the poor.
8. Holding conventions of activists working among the poor and the underprivileged with a view to developing new perspectives and understanding of civil liberties issues.

It has become increasingly necessary for us to go deeper into these issues each time we investigate them. What has been the history of the issue? What are the social and political forces which gave rise to its occurrence?

We should guard against the tendency to take up an issue for investigation, publish the report, and then forget about it. If our intervention has to have some meaning, it is imperative that wherever possible, the issue is regularly followed up and if necessary, the intervention of the Court sought.

In the context of filing cases in Court, it has become necessary for us to activate the lower Courts. The trend to bring all cases to the Supreme Court is not only crowding the highest Court but is not creating the radicalisation and sensitivity in the lower Courts. Legal aid for public interest cases is now available almost all over the country and should be made use of.

These are some of the elements that strengthen the activities of the PUCL and make them meaningful. Our efforts should be directed at getting more and more people involved in our work. It is only through these activities and the involvement of new people that an expansion of our role will take place. Lawyers, journalists, activists, and other concerned individuals can then help form new branches (district and city level). We need to greatly expand the scope and structure of the PUCL so we can best respond to the people's demand for justice.

Major Areas of Activity

Ever since 1980, the organisation has been expanding its membership and has established branches in all most all the states of India. Some of them have been good at mobilising public opinion through public demonstrations, while others have more successfully pursued public interest litigation in the courts. Their area of interest varies according to the interests and capacities of the elected office bearers and active members.

The major areas of action have been:

- Mobilising public opinion in favour of a better climate for protection of civil liberties in the country.

- Conducting investigations into incidents of violations of human rights, brought to notice by the victims, the press, a member, or any concerned individual.

- Publishing the findings of these investigations in the PUCL Bulletin and releasing them to the press, or making them public by other means such as public meetings, etc. Many reports are published as separate documents also.

- Filing petitions, on the basis of these investigations, or even otherwise.

These cases are prepared and argued by our lawyer members in the local courts, High Courts, or the Supreme Court. They meet all the expenses of fighting these cases, from their own pocket.

The PUCL does not simply react. It organises seminars, Lectures, etc., for focusing attention on the problems concerning its area of work. It has raised its voice against various oppression laws and retrograde amendments to the Constitution. It has tried to find the causes of communal riots and tried to create amity amongst various sections of society. It also organises observer teams at the time of Elections from sensitive constituencies. It has been active on environmental issues, especially for the rights of those affected adversely by 'development' projects. It has, from time to time, taken up issues to courts at various levels. The PUCL has, more than once, taken up the cause of pavement dwellers.

PUCL Bulletin

The PUCL also publishes a monthly journal, the PUCL Bulletin, in English. It is the only journal of its kind in the country and is read all over the world in the human rights circles. The January 2008 issue of the 'Bulletin' was its 310th issue. The Chief Editor is Y P Chhibbar and the Editor is R M Pal. Smitu Kothari, George Mathew, and Dalip S. Swami have served as its editors in the past. Others who have made valuable contribution to nurture the 'Bulletin' are Neeraja Chawdhury, Arun Jaitly, Aurobindo Ghose, Meera, Sehjo Singh, Vijaylaxmi, N. Kotishwar Singh, Pushkar Raj, and above all, late Inder Mohan.

Fraternal Relations

The PUCL maintains fraternal relations with many national and international organisations concerned with Human Rights and exchanges literature with them. Some of the important international organisations are The Amnesty International, The World Organisation against Torture, The Human Rights Watch, The Netherlands Institute of Human Rights, The UN Centre for Human Rights, The Lawasia, The Article 19, The Asian Human Rights Commission, and others.

The National groups with which the PUCL maintains very close, friendly, and co-operative relations are CFD, APCLC, PUDR, APDR, CPDR, as well as a host of others.

Since the establishment of the National Human Rights Commission the PUCL has made a lot of effort in utilising this forum for redressal of grievances against violation of the rights of the people. But the PUCL is dissatisfied by its scope and the methods laid down in the Protection of Human Rights Act, 1993, and also with the workings of the National Human Rights Commission. It is continuously pressurising the government as well as the Commission to remedy the situation. Besides the NHRC, the PUCL also keeps in touch with the National Commission for Women, the National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes, and the National Commission for Safai Karmacharis. Some States have established State Human Rights Commissions, as provided in the Protection of Human Rights Act, 1993. The PUCL is campaigning for its establishment in the remaining States also. The PUCL also takes care to see that the establishment of such Constitutional fora does not slow down its work, as there is no substitute of voluntary and dedicated work.

Representation at Other Fora

Other national/international organisations, conferences, etc., invite PUCL or its activists to participate in some special meeting or seminar, etc. Participation in such events sometimes is not only necessary but also crucial to project accurately PUCL's policies on concerned

matters. Individual invitations do not concern the organisation. But if an individual/activist is invited to portray the policy of the PUCL, such invitations for a national or international meet should come to the national office. It is the responsibility of the President/General Secretary to depute an appropriate member to attend such a meet. If a member is invited in individual capacity, she/he can voice her/his individual views only. This practice is a part of the organisational ethics and discipline. For such a Conference confined to a State it is the responsibility of the State President/General Secretary to see that the practice is adhered to.



Guidelines for Investigations

Whenever any incident falling within the objectives of the PUCL takes place or a situation is anticipated the organisation gears up at the appropriate level. Innumerable investigations, reports, reactions, protest marches, educative meetings, press statements, memoranda, publication of literature, etc., are on record. These concern suppression of civil liberties and human rights in general or concerning sections of the society (e.g. women, children, tribals, dalits, other deprived sections, agricultural labourers, bonded labourers, mine workers, slum dwellers, etc.).

It must be reiterated that the PUCL is not concerned with political matters, but only with the civil liberty/human rights aspect of a question or situation.

(A) Procedure for Appointment of Teams

1. An investigation team by a local branch can be appointed on some local issue.

2. An Investigation team by a state branch can be appointed on some issue or incident at any place in the state. If a local branch exists at that place, the state branch takes it into confidence and coordinates with it. The team should be appointed in a meeting of the Executive, or in consultation with the members of the Executive (if they live in different cities and towns), after consultations between the President and the Secretary of the State Branch and the President/Secretary of the local branch concerned. In special cases, the President and the Secretary may take the decision and inform the Executive in the next meeting.

3. (a) All decisions to appoint investigation teams, etc., by a

local or a state branch should be conveyed to the State/National office mentioning the issue, etc.

(b) Reports considered to be of national importance can be arranged to be released to the Press from Delhi in consultation with the National office.

(c) The report, upon completion, should first be submitted by the investigation/study team to the local/State/National office bearers who examine the report and make a decision in relation to any further action required.

(d) Four copies of the report should be sent to the National office.

4. An Investigation team by the National PUCL may be appointed on any issue or incident anywhere in the country. The state branch concerned is taken into confidence. All decisions in this regard are to be made by the National Secretariat in Delhi after mutual consultation. If the matter concerns Delhi only, the initiative rests with the Delhi PUCL. But if the issue is deemed to have possible national implications, the National Secretariat may take the initiative in consultation with the Delhi PUCL.

(B) Members Qualified to be on the Team

1. Only such people should be appointed who are known as persons of commitment to civil liberties, are objective, judicious, and above sectarian considerations. They should preferably be members of the PUCL.

2. Lawyers, retired members of the judiciary, journalists, college/University teachers, experienced activists would generally prove suited for this type of work. In case of a journalist member it should be made clear that the member would not write on the matter under investigation till the report is published, and she/he would not write anything at variance with the findings of the team after the publication of the report.

3. Members should have team spirit. The number of the members of the team should not be very large.

4. No person connected with any of the parties to the disputed incident under investigation should be included in the team.

5. A lawyer member of the team should not accept the brief of any party to the matter under investigation till the report is published. She/he would be expected to refuse the brief of the party at fault even after the report is published.

6. It is better to have at least three members on a team. No member, on their own initiative, should meet the witnesses separately.

(C) Investigation and Writing of the Report

1. During the investigation detailed notes should be taken and as many documents as possible should be collected.

2. As far as possible, all sides of the question or views of all the parties concerned should be examined or explored.

3. Preconceived notions and press reports, etc., should not be allowed to become the basis of the conclusions.

4. Wherever necessary, affidavits of the people/groups, adversely affected should be obtained. Attempts should be made to collect unimpeachable evidence.

5. Political rhetoric and unsubstantiated conclusions weaken the report and water down its effect.

6. Defamatory statements or statements which cannot be substantiated by facts should not be made. All facts and figures should be double checked. No enquiry is complete and therefore, no report can take the form of a judgement.

7. For writing the final report all the members of the team should meet and prepare the report. It should be based on documents and on sound arguments. Conjecture and personal views are better kept out of the report.

8. Following the discussions, the draft should be finalised and signed by all the members. It is then to be handed over to the President/General Secretary of the local/State branch, or the National office, as the case may be. It is only they who can make the report public or take any other action on it.



Finance and Working

As a matter of policy the PUCL does not accept money from any funding agency, Indian or Foreign. All the expenses are met by the members, the office bearers, and the activists from their pocket. For the expenses on the activities by the national office money is raised from sympathisers and members by way of donations.

Any voluntary organisation which is not 'funded' is always short of finances and therefore, it cannot do many things that it would like to. It cannot pursue a matter to its logical end. In nutshell, the work of all such organisations is always, in a manner of speaking, incomplete. The PUCL believes that all such organisations have, therefore, to work in a sort of joint way. One organisation taking up a problem where the other left it. They also have to treat the Press as just another wing of the movement for civil liberties and human rights.

These are not 'enforceable rules', but should inform the approach of the PUCL activists everywhere. The PUCL is aware of its weaknesses and shortcomings. At the same time it is also aware that whatever it has achieved is because of the commitment and hard work of all its members, sympathisers, donors, etc. All over the country it doesn't have a single paid whole-time staff member. Even the national office works with the help of a band of part-time workers who are no less dedicated. In this connection it would be in the fitness of things to mention the names of Brij Lal, Mamta Sharma, Sharif Khan, Ratipal Singh, Valsala N, B P Bhatt, Babita Garg, Kavita Raj, Bindu Raj, Pramod Kumar Singh, Ashok Kumar, and Om Prakash who have kept the National Office running despite very meagre resources. Neelofar Haram also made valuable contributions as Researcher and

Reporter. Pushkar Raj helps in the editing of the 'Bulletin. Our members, Jatin Zaveri and Sunil Ashra designed the computer lists of members. P Govind Raj and Prateek Ranjan Sengupta of Caboodle Solutions designed the PUCL Reference Library Management System. Meera created the infrastructure of the National office.

PUCL on Internet

The PUCL website <www.pucl.org> has been designed and is maintained by Sandeep Vaidya. He is an old member from Mumbai. He meets all its expenses and acts as its moderator in close coordination with the National office. The site also has a Yahoo! Club.

PUCL has been able to focus on the problems of the weaker sections of the society. Jointly with CFD, it organised in December, 1981 at Hyderabad, a conference of activist organisations engaged in the work at the grassroots level amongst tribals, agricultural labourers, bonded labourers, unorganised rural labourers, etc. The conference aimed at pooling their experiences in respect of the state of civil liberties. In all, representatives from 37 groups attended the conference and came in contact with each other. State level conferences of similar nature were held in 1983 in Tamil Nadu, Bihar, Madhya Pradesh, Andhra Pradesh, and Maharashtra under the auspices of the PUCL.



25 Years of PUCL in Bihar

Shortly after the adoption of the present constitution and the formation of the People's Union for Civil Liberties (PUCL) in Delhi in November 1980, Bihar took the initiative to form a state unit. Special attention was paid to the provision of the constitution, which provided that the organization 'will try to bring together all those who are committed to the defense and promotion of civil liberties in India, irrespective of any difference that they may have in regard to political and economic institutions suitable for the country', and a conscious effort was made to follow it in the letter and spirit. This was reflected in the composition of the membership as well as the team of elected office bearers. Apart from a large number who had no political inclination, there were people with political inclination or affiliation. Such members belonged to the Lok Dal, the Janta Party, the BJP, the R.S.S., the Sarvodaya Movement and various C.P.I.(M-L) groups and a few other organizations. However, the members of political or other organizations did not represent the organizations to which they belonged and were members in their individual and personal capacity. The first conference of the state PUCL was held on 21 March, 1981 at Gandhi Sangrahalay, Patna in which members from different districts participated with great enthusiasm. Mr V.M. Tarkunde, the National President, attended as the chief guest.

Mr Tarkunde explained the reason for the revival of the organization, which had become dormant after the rejection of Mrs Indira Gandhi by the electorate at the 1977 Parliamentary election and the formation of the Janta Government. The revival of the PUCL in its new form, he pointed out, was the consequence of the realization that governments, regardless of the party to which they belonged, had

the tendency to nibble away at the rights of the people and they could be protected only if the people maintained constant vigil. One incident from Bihar further underscored the need for an organization for the defense and promotion of civil liberties. There was deep concern at the response of the inhabitants of Bhagalpur, who had observe a 'Bandh' in protest against action taken against the policemen accused of blinding a few criminals from the district. The insensitivity of the people was found very disturbing and underlined the need to educate and sensitise them.

The election of the office bearers was unanimous. Mr Radha Raman (a former Advocate General of Bihar), who had been the moving spirit behind the civil liberties movement in the state for years was elected as President. The other office bearers included persons with divergent ideological inclinations - from Sarvodaya on one extreme to C.P.I. (Marxist-Leninist) on the other. Besides, there were a few close to the B.J.P. and the R.S.S. apart from those who had no known political inclination. The conference ended with great enthusiasm.

The first setback came when the General Secretary-elect Mr Ashwini Kumar did not take charge and the entire burden of running the organization fell on Mr Radha Raman's shoulders, a front ranking advocate with a heavy load of professional work. Despite his pressing engagements, he spared time for meeting people from the organization and attending to its business except for finding the time to visit the districts for its expansion. He tried to achieve this goal by requesting other members of his team to share this responsibility. Mr Prabhakar Sinha, Vice President, visited Motihari, Bettiah, Siwan, Chhapra and Muzaffarpur and set up units there under conveners. Similar steps were taken for a few other places.

During the early years, there was no system of meetings of the office bearers for taking decisions. The Executive Committee met once a year which was more like a get-together than a business meeting. The Executive Committee had, as its members, retired judges, retired high ranking bureaucrats and other important persons. It was not unique to Bihar. It was normal to have persons of standing from different fields in the organization.

Though no regular meeting of the office bearers was held, the business of the organisation was not allowed to suffer. The office bearers were free to meet the President to discuss any issue on which he took decisions in the light of the discussion. The decisions related to issuing statements on violations of civil liberties, deciding to enquire into an incident (of violation of civil liberties), constituting a committee for enquiry, deciding to hold a seminar on some issue or organizing a campaign. The practice served the organization well, and nobody seemed to have any complaint.

Despite having to do without a General Secretary, the functioning was smooth and effective. Several enquiries were held and reports published which highlighted facts and problems hitherto not known or not known in the correct perspective. Of particular importance was the act of drawing attention to the repression prevalent in the rural areas in which the police appeared to be on the side of the land-owners without justification. A few of the cases taken up for investigation included repression of the poor at Narhi-Pirhi (1982), in Jehanabad (1982), Bhabhua (1982) and Chanpatia (1982). So hostile were the police to anybody suspected of association with any group of the C.P.I.(M-L) that the PUCL team (which included senior University teachers from Bihar University), which was sent to conduct an enquiry into the allegation of razing to the ground of scores of poor villager's huts (because in the eyes of the police they were supporters of the Naxalites) was arrested in the evening, taken to the police station and then to Bettiah (the district headquarters of W. Champaran) at night where they were made to sleep on the floor of the police station. They were released only after 22 hours of intense interrogation. The police had refused to check from the University or other reliable source who they were and then take appropriate action. In fact, the police officer at the thana said to them, "It is quite possible that you are college teachers, and if you had been arrested for murder or worse you would have been provided with cots and proper beds. But if you mess around with the Naxalites, this is the treatment you would receive or it may be worse." The poor face a police with this mindset, a fact not widely known and appreciated.

A very effective campaign carried on was to create awareness among the people about the attack on the independence of the judiciary. The people in general were not aware of the implication of the slogan given by Mrs Indira Gandhi for a 'committed judiciary' i.e. a judiciary not committed to the Constitution but to Mrs Gandhi though this goal was camouflaged and not so crudely spelt out. The threat was not empty. She had already promoted Justice Mr A.N.Ray as the Chief Justice of India superseding three senior judges, who had refused to toe the official line and shown independence of mind on several occasions. Considering that after imposing the emergency on the country and suspending even the right to life and personal liberty, she had contended before the Supreme Court that the citizens had no legal remedy even if they were killed, maimed or detained in subhuman condition, and a cowed down Supreme Court had accepted this contention. The independence of judiciary was a matter of life and death for the people and the nation. To educate the people an 'Awareness Fortnight' was observed in which suitable literature was distributed and seminars were organized.

The state government introduced a bill in the Legislature with draconian measures aimed at gagging the press, which caused strong resentment in the journalists and reaction among the people. When the journalists took out a procession to protest, they were attacked by the police causing injuries to many. The PUCL constituted a committee to enquire into the unfortunate incident and brought out its report which was widely appreciated as a timely and proper intervention by a civil liberties organization.

While the organization had recovered from the early setback of doing without a General Secretary and had started functioning normally, it suffered another setback far more serious and irreparable in its impact. Mr Radha Raman was taken seriously ill and had to be taken to Bombay for treatment. The seriousness of his condition made it improper to bother him with any problem. The organization remained in a state of inaction for months, and a meeting of the office bearers was convened at Patna to consider having a Working President to meet the situation. However, the proposal was immediately dropped

when it was pointed out that no such proposal could be considered unless it came from the President himself, and the move, while Mr Radha Raman was hospitalized, lacked propriety. However, an understanding developed that the possibility of activating the organization should be explored.

The Secretaries took a decision with the initiative of Mr Shashi Bhushan to hold a convention of various 'Jan Sangathans' (people's organizations) under the auspices of the PUCL on **'The Challenges Before the Civil Rights Movement in Bihar'**. The national leadership warmly supported the initiative and offered all possible help. The convention took place on 2 October, 1983 in which Mr V.M. Takunde and Professor Rajani Kothari, the President and the General Secretary, National PUCL participated. It was a very well attended meeting with the participation of a large number of organizations from the state in addition to the representatives of APDR, (West Bengal), APCLC (A.P.) and C.P.D.R. Mr Radha Raman was not well enough to attend, and he requested Mr Prabhakar Sinha to discharge the duties of the President from then onwards. The meeting was presided over by him. The success of the convention was a big booster to the morale of the organization and gave rise to fresh hope and expectation, but the sad death of Mr Raman in December (1983) threw the organization in a serious crisis.

Mr Radha Raman was irreplaceable. There was nobody who enjoyed the trust of members with such diverse background or who was held in such high esteem in the organization. An effort was made to request some suitable person to take charge as President, preferably an advocate with commitment to civil liberties, but without any success. Predictably, the leaderless organization was in a state of drift for a while. Sometimes, some statements issued on behalf of the PUCL by some members appeared, which contained nothing against the stand of the organization, but all the same was a matter of concern being indicative of a trend of anarchy. Contradictions were not issued as it was viewed as a sign of restlessness among the members caused by our inactivity. It also bore a clear message that the PUCL must function whatever the difficulty.

There were many difficulties. The President (i.e. the Acting President) lived at Muzaffarpur, had no more than a nodding acquaintance with the other office bearers and had no clue about their thinking. The problem was further compounded by some apprehension and suspicion in the mind of the colleagues. On the one hand, there was an apprehension that the Naxalites might capture the organization and on the other, that those opposed to the Naxals might not sincerely take up the cases of attack on their civil liberties. It was clear that the organization could not survive in such an atmosphere of mutual distrust. The only way out appeared to be a free, frank and open discussion on all aspects of the problem. At an informal meet of the office bearers, a frank discussion took place where such fears were found to be without foundation. It became clear that nobody had thought of capturing the organization nor there was any design to discriminate against the C.P.I. (M-L) groups. The President pointed out that it was not logical to fear that the C.P.I. (M-L) groups might capture the organization because by doing so they would lose the support of those who are committed to stand by them if their civil liberties were attacked even though they did not support their politics. Besides, the voice raised by those who were not their supporters was bound to carry more conviction than a PUCL perceived to be their front organization. The talk proved invaluable, as it cleared the mist of suspicion and laid the foundation of mutual trust and understanding which happily lasts till date.

It was also felt by the Acting President that team work was needed for effective functioning of the organization, and team work without a team spirit was not possible. It was also felt that mutual understanding and trust could not be taken for granted and a communication gap or very wide difference of opinion on some issue might easily lead to its erosion. Thus it was necessary to create appropriate conditions for preserving the understanding (created) as well as the team spirit. Taking these into consideration, he decided to visit Patna as and when necessary, sit with the other office bearers and take decisions collectively with them. Initially, they sat together at the residence of Mr Jawahar Prasad Karn, one of the Secretaries. Mr Ravi Shankar Prasad also

actively participated in the deliberations. Practically, all decisions, which included issuing press statements, taking a decision to enquire into some incident and the constitution of the enquiry team, were taken collectively at these meets. Later, the practice developed into regular fortnightly meetings and after the organizational election of 1986 into weekly meetings, a practice which is continuing.

Two very important enquiries were conducted during 1984 and 1985. One of them was about the inhuman condition in which the inmates of the Ranchi Mental Asylum (RMA for brevity) were kept and the other of the firing by the police on the tribals of Banjhi (in Sahebganj district) in which 15 persons including a former M.P. were killed. Both the reports were printed and received appreciation. The report on Banjhi firing was translated into some tribal languages and widely circulated, and the report on the Ranchi Mental Asylum was used in a PIL as evidence of the inhuman condition prevailing in the RMA. While the decision to enquire into Banjhi firing needed no discussion, the RMA case presented some problem. In 1984, Human Rights was not on our agenda, which was confined to civil liberties. The question arose whether the condition prevailing in the RMA could be covered under civil liberties or not. Though they were not prisoners but patients, who were confined supposedly for their own good, it was taken to be a case of infringement of their civil liberties since they could not protect their interest due to their mental ailment. Prima facie, it may look like hair splitting, and to some extent it was, but at that point of time it was a necessity to strictly follow the constitution of the organization lest a loose interpretation should lead to irreconcilable difference of opinion causing a breakdown of the much needed understanding.

By the middle of 1985, there was a general feeling that much more was required to be done to strengthen the organization. A major initiative was taken by Mr Shashi Bhushan from among the Secretaries along with several others, Dr Vinayan being one of the most serious among them. More people began attending the meetings. Mr Ashok Kumar Singh offered the building of his institute named Meridian, at Shri Krishna Nagar, Patna for the fortnightly meetings, which were

held on Sundays. These meetings were held in the day time from 12 o'clock and lasted for several hours. The almost single agenda was the expansion of the organization, which some people called 'reorganisation'. In fact, when a letter was sent to the National Office under the signature of the Convener of the Reorganisation Committee, the matter was brought to the attention of the acting President to ascertain whether it was an act authorized by the state PUCL or not. The National PUCL has always been very strict about norms being observed.

Some important persons from the Indian People's Front (IPF) participated in a few meetings and expressed their desire to have some of their members join the PUCL. The move was welcome, but did not bear fruit at the time. The problem arose when they expressed their reservation against Mr Karpoori Thakur, who had been associated with the organization as a member of the Executive and the National Council. In fact, they said that it might not be possible for them to join while Mr Thakur was there. The organization was very keen to welcome them, but expressed its inability to think in terms of excluding anybody much less Mr Thakur. However, eventually, Mr Kishori Das and Mr Ved Prakash (both former members of the I.P.F.) joined the organization in 1986, and were elected as Vice President and Secretary respectively.

It was decided to move out to districts for enrolment of members, but a decision was taken against indiscriminate enrolment. It was decided to approach or offer membership only to those who really believed in our objectives as specified in our constitution. This approach required the representatives of the organization to visit the districts, acquaint the people (known to be interested in our cause) with our aims and objects and offer them membership only if they professed their commitment to or sympathy for them. Thus it became imperative for the office bearers and the others entrusted with the responsibility of enrolling members to visit the districts of the state. The modus operandi was taken seriously. The Acting President himself visited Purnea, Katihar, Khagaria, Begusarai, Muzaffarpur, Biharsharif and few other places. The others also visited the areas assigned to them.

The policy and practice regarding enrolment of members insulated the organization against the entry of people without application of mind and understanding of what the PUCL stood for.

The result of the hard work done was discernible during the second conference of the organization, which was held on March 9, 1986 at the Sahu Jain Hall at Patna with Mr Rajani Kothari as the chief guest. Its open session was attended by 400 persons and the delegate session by representatives of most of the districts of Bihar. The delegates from the districts who spoke on the problems of their respective districts or mentioned their achievements included Jamshedpur, Ranchi, Hazaribagh, Darbhanga, East Champaran, Gaya, Munger, Bhagalpur, Rohtas, Nawada, Bhojpur and Muzaffarpur. Following the practice followed at the time, members of the political parties used to be invited to the open session to express their views on the question of civil liberties. Important persons from political parties responded and participated in the open session.

The conference concluded successfully, but one incident merits mention because it reflects the spirit of the members at the time. The last item on the agenda was the election of the new office bearers. Mr Prabhakar Sinha was unanimously elected President and was asked to preside over the remaining part of the session (he had left the dais when the election was taken up). As soon as he took the chair, there was a proposal moved by Mr Suresh Bhatt and seconded by Mr Karpoori Thakur that the President should be authorized to nominate other office bearers. There was a spontaneous and vociferous opposition to this proposal from a large number of the delegates. Heated exchange ensued, all effort of the President to ensure an orderly debate on the proposal failed. The President adjourned the house for 10 minute with the rider that if a unanimous resolution was not possible, the proposal would be put to vote and further proceedings would follow the mandate of the house. No agreement was reached, and the motion was put to vote and rejected. Those who had opposed the proposal met the President and said that they were ready to elect a team of the choice of the President, but were not ready to send the same set of people by nomination. They were fighting for a principle

and not for or against any person. Finally, the election for the post of two General Secretaries and a number of Secretaries was held which took several hours. Mr Shashi Bhushan and Mr Ashok Kumar Singh were elected General Secretaries. Mr Jawahar Prasad Karn, Mr Kishori Das and Prabhat were unanimously elected Vice Presidents while Mr Ravi Shankar Prasad, Mr Basant Kumar Choudhary, Dr Asha Toben, Mr Sushil and Mr Ved Prakash were elected as Secretaries. When there was a pandemonium in the house followed by the rejection of the proposal of authorizing the President to nominate other office bearers, many people feared that it might create problems in the future, but the apprehension proved to be unfounded. Everyone took it in the right spirit. In fact, when Mr Karpoori Thakur was approached by the President to join the Executive Committee he gave his consent and remained a member till the end of his life, and always promoted the PUCL by expressing his absolute faith in its independence and impartiality. In fact, once when he had decided to go on fast unto death unless an impartial enquiry was held in a case of atrocity, he offered to drop the move if the enquiry were held by a committee consisting of Mr Rajani Kothari, National President and Mr Prabhakar Sinha, Bihar State President of the PUCL. The government was reportedly inclined to consider the proposal, but Mr Kothari was out of India. The second conference gave the state PUCL a firm foundation and a clear direction.

Experience had shown that the PUCL was a very challenging organization to run if its constitution were to be followed in letter and spirit. Its members and office bearers had diverse and often conflicting ideological inclination or commitment, but were required to agree with one another on the question of civil liberties even if it went against the organization to which they owed allegiance. It could be a statement issued on some incident in which some organization was blamed or a decision to enquire into an incident in which some organization to which a member belonged being in the wrong. It could also be not acceding to their request in a case in which they were interested. Such objectivity was impossible unless everyone rose above himself—something akin to a feat. Complete transparency and democratic functioning alone

had some chance of success. Departing from the practice of the President taking decision, the new incumbent introduced the system of holding weekly meetings of the office bearers (on every Saturday) at Patna, where all decisions on behalf of the organisation were to be collectively taken. The meeting was open to all members or any person who came to approach the organization for some action. Everyone present was free to participate in the discussion before a decision was taken. However, once a decision was taken, the office bearers were expected not to express dissent even if they were not present at the meeting. The openness made everyone feel that his opinion was accorded due weight and he was an important person in the organization. This added to his sense of responsibility and belongingness to the PUCL.

The value of this system became apparent when some ideological questions were raised and consensus arrived at. There was an opinion that the PUCL should stand only by the oppressed, and in an enquiry there was no need to consider the version of the administration (usually the police) as it was created as an instrument of oppression. It was also argued that violation of the rights of the people was inevitable in a society divided in classes, and instead of taking up individual cases of violation of civil liberties, we should work for creating a society in which there would be no such violations. The answer to these questions did not lie in rejecting the ideology which saw the State as an instrument created to protect the interest of the ruling class and was by its very nature unjust and oppressive, but elsewhere. However, after an informed discussion of the issue it was accepted that since the PUCL believed in the Constitution and equality before law and equal protection of law to all, it could not make any discrimination between one citizen and another. It was pointed out that departing from the principle of rule of law would make our stand morally weak and lend legitimacy to illegal acts of the state. It was also emphasized that the people with different political ideologies had joined hands to work together by declaring their commitment to the aims and objects of the PUCL, and they all could work together only if they all agreed that the organization must act within the bound of its constitution. It was also agreed that as

a member of the organization everyone would keep its constitution in mind while taking a stand on an issue. This tradition has been followed without any breach during the last 25 years. In fact, a very important office bearer often mentioned that his irony was to speak in the name of the Constitution (of India) in which he had no faith and which he often condemned. However, his conduct as an office bearer remained unimpeachable.

On the question of creating a society in which there would be no violation of the rights of the people, it was argued that it was the responsibility of political parties to change the system in accordance with their ideology. It was also argued that different political parties had different ideas about a good system, and if the PUCL accepted any model it would become like a political party and then there would be no room for those who had a different vision. This would defeat the very purpose for which this organization was created i.e. 'to bring together all who are committed to the defense and promotion of civil liberties in India.'

Sometimes in 1986, a news item appeared in the press that the PUCL was going to participate in the convention of the Sampooma Kranti Manch of which Mr Tarkunde, was the President. The situation was very delicate because of J.P. being our founder and Mr Tarkunde being our Adviser and the founder President. However, it was decided to take a principled stand and issue a contradiction. At a personal level, many of us were pained in doing our duty, but deviation from it appeared ethically wrong. When the state President met Mr Tarkunde, the issue was raised by some people who felt hurt by the stand of the PUCL and making it public. The President explained to Mr Tarkunde that the constitution of the organization did not permit it to espouse any political ideology. It was also explained that supporting any political ideology was bound to drive away those who did not accept it and would lead to disintegration of the organization. Our role, it was pointed out, was confined to protecting the civil liberties of all regardless of their political belief. Mr Tarkunde supported this view, but said to him, "you could have come in your personal capacity."

In the same year, invitation to join the **Arwal Jan Sanhar Virodhi Morcha** formed by many organizations including C.P.I. (M-L) groups confronted us with the question regarding joint action with other organizations on the issue of civil liberties. It was argued that since the PUCL had also held the firing leading to the massacre to be unjustified, it should join the Morcha. The PUCL decided against it on several grounds. It was of the view that a political party's image in the public is determined by its ideology and action, and the question of civil liberties is not its main function as is that of a civil liberty organization. By associating with it, unnecessary confusion about the character of the organization would be created. Besides, political parties forming such Morchas are themselves sometimes accused of violation of civil liberties, and joint action with them would create a wrong impression in the public mind. Taking every aspect of the question into consideration, a policy decision was taken to work alone.

The question of conducting joint enquiries with other civil liberties organization came up for consideration when such a proposal was made by an organization from some other state. It was pointed out that unless approaches of the concerned organizations were similar, joint enquiries would present insurmountable difficulties. There are civil rights organizations, which do not consider it necessary to give the administration an opportunity to be heard whereas the PUCL considers it indispensable for a fair and impartial enquiry. Similarly, members of an enquiry team who live at distant places, would not be in a position to sit together to finalise the report after a detailed discussion, as has been our mandatory practice. For these reasons, it was decided not to hold joint enquiries. However, it was decided to offer all possible help to any civil liberty/ rights organizations coming to Bihar in other ways. In March, 1991, **Association for Protection of Democratic Rights (APDR)** approached the organization to file a writ of habeas corpus for the release of a person arrested in Bihar. The facts to be submitted to the High Court were to be taken from their report on the arrest of the person concerned. It was decided to extend help by making Mr Kishori Das the petitioner in his personal capacity but not as the General Secretary of the PUCL. The

organization had been very particular about not taking a stand unless the facts had been verified by it. Thus, a way was found to help a sister organization without risking the credibility of the PUCL.

It was realized that a small organization like the PUCL, would be heard only if it was trusted, i.e. if the people trusted it to tell the truth. Thus the credibility of the organization came to be given the highest priority, which could not be allowed to be eroded or compromised. To ensure that its reports remained above the slightest doubt or suspicion, a fool-proof procedure was established, which with modification was adopted by the National PUCL also (the earlier version of know PUCL, mentions it). First, it had to be decided whether a request for an enquiry was within the framework of the constitution of the organization or not. The general policy was not to take up complaints of private violence except for cases of communal riots, carnages perpetrated by organized armed groups or carnages against the downtrodden. It was argued that it was the duty of the state to protect the people from illegal acts committed by anyone against him, but there was no effective mechanism to protect the citizens from the violence of the state. Therefore, the organization should concentrate on state violence. It should, of course, raise the issue of the abdication of this responsibility by the state where necessary. As for the enquiry team, it had to be constituted at the weekly meetings of the office bearers. No person connected with any of the parties in the dispute or known to be close to it was to be in the team. Any person who had taken a public stand on the matter under enquiry was also not to join the enquiry. A journalist member of the team was not expected to write anything at variance with the finding of the enquiry. Similarly, an advocate member was not expected to take any stand in a case which was at variance with the finding of the team of which he was a member. The report had to be absolutely fair and impartial. All possibility of any bias influencing the report had to be eliminated. The veracity of the PUCL reports has never been questioned.

A code of conduct for the office bearers was also evolved. They were not expected to meet any authority on behalf of the organization unless the same was decided at the weekly meeting. At least two

persons were to represent the organization at such meetings with the authorities. No mention of the position in the PUCL was to be made on their personal letter head. The letterhead of the organization could not be used for correspondence outside the organization unless authorized for a specific purpose. The statement on behalf of the organization could be issued only after its content was finalized at the weekly meeting. In case of an emergency, at least four members could meet and decide to issue a statement

These precautions were taken not due to lack of confidence in the members but to ward off the possibility of any inadvertent act which might cause the slightest erosion of our credibility.

A question arose whether the PUCL could take out a procession, sit on 'Dharna', organise public meetings or take any other direct action. There was not much doubt on this point as the constitution itself imposes only one restriction - that the means used must be peaceful. Demonstrations, dharna, public meetings all fall within the definition of peaceful means. During the 1980s, public meetings were held to oppose the 59th Amendment of the constitution under which Rajeev government had acquired dictatorial powers, a procession was taken out with the effigy of the Emergency on 25 June, 1988, which was attacked by the police with a view to prevent the burning of the effigy but had no success. Many more public activities were undertaken and successfully completed.

The activities were not confined to just holding enquiries, but covered a much wider area. A fortnight-long campaign was undertaken in early eighties to oppose the attack on the judiciary. The campaign against the 59th Amendment of the constitution and later TADA were also conducted with vigour and passion. A two-decade long campaign against electoral malpractices and for necessary reforms began with the Banka by-election in 1986 in which Mr V.M. Tarkunde participated along with many persons from Delhi. The report was published by the National PUCL in the form of a booklet bearing the title "**Democratic Elections in Bihar**". Since then letters were written to the Chief Election Commissioner regarding malpractices and how

they could be prevented or controlled. Appeals were made to the public also to file F.I.R. against personnel of the polling party found indulging in corrupt practice. The people were also asked not to vote for the corrupt or candidates with criminal antecedents. Political parties were asked not to give tickets to such persons. The voters and political parties were also asked not to deprive anyone of his right to vote. Many of the measures suggested for conducting a fair election are being put to use now.

There was a campaign for compelling the government to take effective steps to save the lives of the poor afflicted by Kala-azar, a dreaded disease which brings slow death within a year or more if not treated. A patient could be saved by spending about Rs 200.00 to Rs 300.00 only, yet the poor suffering from it were being allowed to die in the 1980s and are being allowed to die even today. A PIL was filed claiming that the right to life was being violated, but brought no result (1989-90).

A PIL filed for a direction to the government to do its duty of protecting the life and personal liberty of citizens instead of unnecessarily deploying the police as bodyguards of politicians and officers was filed in the same decade. The court agreed with the general principle, but no specific direction was issued.

Submission based on our own investigation was also made before the Commission constituted for a judicial enquiry of the Bhagalpur riots of 1989. The Commission was politicized by induction of different judges from time to time. Two reports were submitted, both making selective use of the material before it. One of the judges relied on the material submitted by the PUCL.

A novel experience was assisting in a Judicial Enquiry conducted by a Tribunal consisting of two retired Chief Justices, namely, Justice Mr T.U. Mehta of Himachal High Court and Justice Mr P.S. Poti of Gujarat High Court constituted by a citizens's body named the **Indian People's Human Rights Commission** headed by Mr Mrinal Sen, the famous film Director. The President of state PUCL was requested by the office bearers of the Commission to visit Delhi to meet the

judges, who were hesitant to undertake such an unconventional assignment without meeting some of the important functionaries concerned. He met the judges and they appeared pleased with the meeting. The state PUCL had to devote its entire energy to make the enquiry possible. It provided the Tribunal with a stenographer (Sri Ratna, a PUCL member) and other staff, organized the presentation of the witnesses before the Tribunal. Mr Jaya Nandan Singh, an advocate of Patna High Court very ably assisted the Tribunal and PUCL President Mr Prabhakar Sinha showed the place of occurrence to the judges and presented the people's version of the incident. The state government had directed its police officers not to make any statement before the Tribunal, but they were led to give their version of the incident though informally. The enquiry was completed and its report released (1987).

The initial phase of a new organization without a tradition, mode of working and established norms is the most difficult. However, the Bihar PUCL during this phase (1981-1991) successfully set a very high standard of conduct, established a healthy tradition, acquired maturity of approach and created a culture in which people with diverse and even conflicting ideologies could work together in harmony with mutual respect and trust.

The 4th conference of the organization was held in 1991 and Mr Ramchandralal Das, an advocate of Patna High Court, was unanimously elected as President. The other office bearers were also elected unanimously. During the early years of this decade, there was no marked change from the past, and the organization continued to work effectively as before. However, a revolutionary change took place in the human rights movement with the enactment of **The Protection of Human Rights Act, 1993**. Though its impact was not felt immediately, but after 1995 the people began to look up to the National Human Rights Commission as an effective protector of human rights and as a source of fear to their violators. A new vista seemed to have opened up before the people, and the organizations working in the field. Instead of just releasing the reports to the media to tell the people the truth about an incident and exposing the lies dished out by the administration, they

began to send complaints to the **NHRC (National Human Rights Commission)** confident that a new era has been ushered in which the guilty would not be able to escape punishment. The people were advised (by us) to directly approach the NHRC for punishment to the guilty and relief to the victims. Complaints began reaching the NHRC in thousands and gradually, its response became slow and late to come. The initial euphoria of the people was replaced by despondency.

The chief cause of ineffectiveness of the NHRC lies in the approach of the government, which plays the role of the protector of its employees and blindly supports them rather than ensuring that the law breakers do not go unpunished. The reply to the queries by the NHRC following a complaint shows the government in the role of a veteran litigant bent upon winning the case regardless of the gravity of the crime allegedly committed by the concerned person. Any constitutional arrangement is based on the assumption that the state would respect its laws and would not countenance its violation. The assumption in the context of our country is not supported by experience.

Consequently, the realization that the human rights could not be protected by law and Commissions alone if the society remained ignorant and insensitive developed. It was becoming gradually clear that **The Protection of the Human Rights Act** might become as ineffective as the Anti-Dowry Act or the laws against corruption. The need to educate and sensitize our members and also society was intensely felt. Mr Prabhakar Sinha prepared a booklet with the title '**Manavadhiakar Ek Sankshipt Parichay**', which was published by the PUCL (1996). Its second edition also appeared a few years later. **Human Rights: A Handbook for All** was also published some time later.

It was decided to sensitize school children while they were still young and free from fixed and rigid ideas. A day-long seminar was organized at Patna St. Xavier's High School with the aim to reach the children through their teachers. The initiative could not be followed due to shortage of volunteers from the organization. Another initiative

was taken to organize the various professional bodies to raise their voices collectively against large scale murder and kidnapping going on in the state. The response was encouraging, but again the initiative could not be continued for the same reason.

Another major effort which could not bear any fruit was a seminar on violent clashes between the C.P.I.(M-L) groups and the Ranveer Sena resulting in the loss of hundreds of innocent lives. It was attended by a good number of concerned citizens, but the discussion did not seem to produce a new point of view or understanding of the problem which could help find some solution to the problem and the plan was abandoned.

Side by side with these, the other normal activities like organising seminars, meetings, work-shops, Dharna, distribution of pamphlets etc. continued. A seminar on Judicial Activism is worth mentioning for the worth of the papers presented and the high level of discussion.

One welcome impact of The Protection of Human Rights Act was the inspiration it gave for widening the area of our activities by including in our agenda some issues of human rights like the right to education and development etc... These issues did not receive a spontaneous and quick response. It was partly due to a lack of appreciation of the human rights covered under economic, social and cultural rights and partly due to a fear that the other rights essential for a person's existence and survival as a human being (i.e. not as an animal) might be relegated to the background. Effort has to be made to create greater awareness about economic, social and cultural rights without which the goal of full development of a human person cannot be achieved. At the same time, the priority of the civil and political rights should not be changed. The right to life and personal liberty is so much under threat in the country that it does not allow the other equally important rights (economic, social and cultural) to receive due attention. In principle, the state does not enjoy any right to give more priority to any right over the others; It must accord the same priority to all of them. However, the people certainly have the right to accord priority to different rights according to their circumstances and need.

The constitution was amended and the right to education was incorporated as a fundamental right. A seminar on 'Common School System' was held in the seminar hall of Patna College in November, 2003. Mr Vinay Kumar Kantha, Vice President of the organization, played a key role in organizing the programme and also made the most significant contribution to the subject. Later, he along with Mr M.M.Jha prepared a draft bill on the Right to Education, which is being widely discussed and has received appreciation.

The seventh conference of the organization was held in July, 2005 when Mr Vinay Kumar Kanth took charge as the President of the organisation. The PUCL organized a work-shop on The Right to Information Act, 2005 in October, 2005. The work-shop proved fruitful and inspiring and led to the publication of 'Soochana Ka Adhikar: Jan Jan Ka Hathiyar', a booklet by Mr Prabhakar Sinha released on December 10, 2005.

In view of the urgent need to create greater understanding and appreciation of human rights in totality, a daylong seminar on The Emerging Dimensions of Human Rights was held on the Human Rights Day last year (2005). The approach paper circulated on the occasion records that our goal should be to ensure the protection of the rights of the last man (Antim Aadmi). With this goal in view, the organization is bound to move vigorously in the right direction. The seminar was attended by a large number of people including students. The young showed a deep interest in the subject, a welcome impatience with the state of things and made critical comments on the role of older generation.

Several PILs have been filed in the High Court seeking its intervention for the betterment of children, enforcement of the laws enacted for their protection and benefit and implementation of the Right to Information Act. The recent activities reflect a welcome vigour and sense of urgency.

The organization :

The People's Union for Civil Liberties and Democratic Rights (the name of the organization founded by J.P. during the dark days of

the emergency) was formed to oppose Mrs Indira Gandhi's dictatorship ,and it attracted only those who were ready to suffer for restoration of civil liberties and democratic rights When the PUCL was formed under the present constitution in November, 1980 the threat to civil liberties and democratic rights appeared to be looming large with the return of an unrepentant Mrs Gandhi to power. The organization again attracted those who cared for civil liberties and saw them threatened. This naturally influenced the approach to enrolment of members. The underlying belief was that persons with no faith in its ideology and no commitment to its objective would weaken rather than strengthen the organization , and ,therefore, emphasis should be on quality (i.e., members with commitment) rather than on the number. With the memory of the authoritarian rule fresh and the Congress (I) again in power , there was no dearth of people ready to join. The organization was very strong during the early years of the 80s which is evident from the fact that as many as 400 persons attended the open session of its second conference held in 1986. The end of the decade was marked by a decline in the interest in the organization . This may be attributed to the fact that with the Congress Party showing signs of its decline the threat to civil liberties appeared receding and many of our members being drawn to political parties (in the opposition) with the prospect of a share in power. In fact, two of our General Secretaries left the organization for joining politics. Besides, involvement in politics left very little time to many of our old members for the PUCL. Experience confirms that, as a rule, those members play a more active role in the organization (i.e., PUCL) who are active in some political or non-party or non-political organization than those who have no such involvement, but the organization would be really strong only if the people are made more sensitive to the question of civil liberties and spontaneously react against their violation and act for their protection and promotion.

A matter of great concern is the lack of interest of the younger generation in the organization. Efforts to attract them had been made during the eighties of the last century, but with no success. A new initiative has been taken now with the help of some young men who

have joined the organization. .A few meetings have been held at educational institutions ,but the result has not been as encouraging as one would like it to be. Still, some satisfaction may be derived from the fact that a few young men have been actively participating in our activities one of them as an office bearer. Another silver lining is the interest being shown by a number of young artists ,who look and act serious and sincere. In 1988 young artists from S.N.S.Institute of Arts, Patna showed a keen interest in the PUCL.A work-shop was organized and they also prepared paintings and posters for our programme against the emergency. However, for some reason they were more interested in the institutional membership of the PUCL for their institute than joining it in their personal capacity.

A new initiative has been taken to attract artists active in different field like acting, music, fine arts and literature. They have been showing a keen interest in our activities ,and there is a possibility of achieving what we have failed to do so far.

A set procedure has been followed for forming a district unit. A beginning is made with some person known to be interested in our cause (and also known to us) calling a small informal meeting of persons likely to be interested in the organization ,and some office bearer of the state unit explaining to them our aim and object and our constitution. This is followed by enrolment of those who may wish to join after full understanding of what the organization stands for. Initially, a Convener is nominated and an ad hoc committee is formed. If in course of time ,it is found that the committee has been functioning properly and has acquired necessary maturity, it is advised to hold the conference of the district where the members elect the office bearers, and a full fledged district unit is formed. Sometimes, the Ad hoc committee remains non-functional. Then another attempt is made after all efforts to activate it fails. Sometimes, a district unit also becomes defunct, and another effort needs to be made. This rise and fall of district units is unavoidable. During the 1980s, there were district units in Jamshedpur, Ranchi, Dhanbad, Nalanda, Muzaffarpur, Bhagalpur, Khagaria, Palamu, East and West Champaran, Saran and Siwan. All of them did not have full fledged units.

At present, there are full-fledged district units at Muzaffarpur, Begusarai, Bettia (W. Champaran) Samastipur and Madhubani. There are members from a majority of districts of the state.

Recently, welcome changes have been made in the mode of working. The State Council had started holding two meetings every year as provided for in the constitution. The present President has also introduced the system of the Executive Committee meeting every month on the first Sunday. This is in addition to the regular weekly meetings which continue to be held. A number of committees have also been formed to shoulder the responsibility of different issues.

Publications :

In addition to holding meeting and seminars to acquaint the people with our stand, publication of pamphlets on the various issues taken up by the organization has been routinely done from the very beginning. However in 1988, a decision was taken to publish a bulletin with a view to educate the people on some important issues and also to remove confusion created by interested persons to malign the organization. A quarterly bulletin 'Nagarik Adhikar' was first published in December, 1988, but it could not be continued after three issues the last being the joint April-September, 1989 issue. The first issue dealt with the allegation that the PUCL worked mainly for the benefit of the Naxals. It was stated that though it was factually not correct (that more has been done for them i.e. the Naxals), but even if it were so, there would not have been anything unusual. If it is the Naxals whose civil liberties are suppressed, it is only natural that the organization would work for them. It was stated that just as it is natural for patients to crowd a doctor's chamber, it is natural for those whose civil liberties have been suppressed to run to a civil liberty organization.

Earlier, when it was decided to oppose the 59th Amendment of the Constitution under which the Union Government had acquired even the power to suspend the right to life and personal liberty of a citizen after declaring a state of emergency, a need was felt to publish a booklet to educate public opinion on this issue. A booklet by Mr Prabhakar Sinha with the title '**Samvidhan Ka 59wan Sanshodhan: Tanashahi Ka Ek Sharyantra**' was published in 1988.

After the enactment of '**The Protection of Human Rights Act**' in 1993, the area of activities of the organisation suddenly expanded, underscoring the need to educate our members as well as the people about human rights. Educational material had to be prepared and published for wider circulation. Two booklets on human rights one each in Hindi and English written by Mr Prabhakar Sinha were published. '**Manavadhkar: Ek Sankshipt Parichay**' in Hindi was published in 1996 followed by its second edition in 2001. '**Human Rights: a Hand-Book for All**' was published in 2002.

A booklet in Hindi on the right to information written by Mr Prabhakar Sinha entitled '**Soochana Ka Adhiukar: Jan Jan Ka Hathiyar**' was released on Human Rights Day (10.12.2005) last year. Another booklet containing court judgments and legal provisions to protect human rights by the same author is under publication.

Except for two reports (one on Ranchi Mental Asylum, 1984 and another on Banjhi Massacre, 1985), the other reports of the enquiries conducted by the organization remained unpublished. It was lately discovered that many of them were traceless giving rise to the fear that the others might meet the same fate if steps were not taken to preserve them. The remaining reports along with some other important documents are under publication and may be released on the occasion of the Silver Jubilee Celebration of the Bihar PUCL (21.3.2006).

A very significant development is the publication of a digest of human rights containing the cases of violations of human rights in Bihar. This task has been accomplished by two young men who have been proving their worth. The document is based on newspaper reports and, therefore, are not exhaustive. Besides, a few cases may be controversial, but since the document is admittedly based on news reports, it is no reflection on quality of the reports of the organization.

Resources :

An organization born to stand for civil liberties and democratic rights against an authoritarian rule during an emergency has to be independent in all respects for survival and ability to struggle for its objective. Thus from its inception, the PUCL remained a non-funded

voluntary organization and remains so. It has no fixed assets like land, building or any regular source of income. Even the National Office has been housed in Dr Yashpal Chhibbar's (General Secretary) flat from the beginning.

Bihar PUCL also does not have an accommodation of its own for its office. It functioned from the residence of Mr Radha Raman during his life time. Later for quite some time, it did not have any office. After Mr Radha Raman's death, a few meetings were held at the flat of Mr Jawahar Prasad Kam ,a Secretary of the organization. Subsequently, Mr Ashok Kumar Singh (who later was elected as a general Secretary), a member, provided a venue at his institute Meridian, at Shri Krishna Nagar, Patna for two to three years between 1985-1988. Thereafter the venue was shifted to Neelgiri Bhavan ,where accommodation was offered by a Life Member Mr Ramesh Chandra Sinha. However, since the middle of 1992, accommodation at 204 Neelgiri Bhavan, Boring Road, Patna was made available for use as an office (by Mr Prabhakar Sinha)from where it continues to function.

Initially, day to day expenses were met by Mr Radha Raman. When he was taken ill, the office bearers shouldered that responsibility, but contribution was taken from the members and supporters for holding conventions and conferences .There was no indiscriminate collection of fund from all and sundry. After the 1986 conference, when the new office bearers took charge , there was a slight change. The President met regular expenses for which no contribution was sought, but the members of the enquiry committee paid for their traveling, and the organization did not pay traveling expenses. In case, there was a member of the team, who was not earning, the other members bore the expenses on behalf of the organization. Collection from any source for any work of the PUCL by a member individually was not permitted .All collections had to be made on behalf of the organization, the fund deposited with the organization and received from it for expenses after due sanction.

A more scientific system was introduced in 1992 or so. The office bearers and members were requested to make voluntary monthly

contribution for meeting the day to day expenses. Contribution was sought from supporters on the occasion of conferences. Expenses incurred on account of seminars, Dharna, or other programmes were met by the contribution made by the office bearers and members. Expenses for pamphlets and other similar publication were also met internally.

From 1986 to early 1990, Mr Ramesh Chandra Sinha saved the organization expenses on typing of reports and cyclostyling of all material for circulation. He also presented the organization with a steel almirah for keeping documents etc. Since the early 90s, Mr Vinay Kumar Kantha (Vice President since 1991 and President since July, 2005) has been taking the full responsibility of providing printout of the reports and other documents. A major item of expense, acting as a constraint on activities, has been rent to be paid for halls for holding seminars and meetings. Mr Kantha has been providing a venue at the East & West Academy for seminars, workshops ,meeting of the State Council and other purposes which has meant a considerable saving to the organization.

Several booklets (mentioned above) had been published from time to time. The expenses for the publication had been met by the author himself. However, the second edition of 'Manavadhikar:Ek Sankshipt Parichay' was on the persuasion of Mr Ram Naresh Jha, an old member of the organization ,who made a contribution for its publication.

Now, under a decision, a separate bank account has been opened exclusively for publications. There is a plan to publish relevant material from time to time.

The organization has already determined its agenda for the future ,which is laudable and ambitious. In addition to the issues on which the organization has been concentrating, it is proposed to work on the problems of women, children, the Dalit and the other deprived section of the society, minorities, schedule tribes and political activists (who are targeted). It is also proposed to work among different sections with a view to sensitize them to the question of human rights. Some of

the groups identified are the police, bureaucrats, advocates, students and teachers, NGOs and political activists. The issues to be taken, besides, police atrocities, jail reform, right to life and personal liberties, are freedom from hunger and poverty, education, health, environment and the right to information. A separate cell has been created to deal with each of the problems. The efforts of the last 25 years have made the people (of Bihar) conscious of their human rights and inspired them to fight for them but without inspiring in them the same respect for human rights of the others that they have for their own. Unless that respect is created, human rights would remain under constant threat, and our task incomplete. That challenging task may be included in the agenda for the next decade.



Appendices

Appendices

Some Landmarks

In brief we can say that the principal functions of the PUCL are:

1. To increase consciousness about and commitment to human rights and civil liberties among all sections of our people;
2. To provide a platform for all groups including political parties to come together for furthering the cause of human rights, even though the groups may have differences among themselves on other aspects of social and political life;
3. To energise and creatively use the existing institutions like the courts and the press, so that they may become more sensitive to the human rights situation in India; and
4. To intervene directly in cases where gross violations of human rights take place.

The PUCL has raised voice against various repressive laws and retrograde amendments to the Constitution. It has tried to find the causes of communal riots and tried to create amity amongst various sections of society. It has also organised observer teams at the time of Elections in sensitive constituencies. It has been active on environmental issues, especially for the rights of those affected adversely by 'development' projects. It has, from time to time, taken up issues to courts at various levels. The PUCL has, more than once, taken up the cause of pavement dwellers. It is specially sensitive to the oppression of dalits, minorities, women, and children.

The PUCL had formulated a Charter of Demands addressed to all national parties prior to the general elections in 1989. The practice has been kept up. This Charter is appended at the end (Appendix 1).

There is a common belief that those who believe in capturing power through violent means, having no faith in the existing parliamentary democracy or the Constitution, have no rights and liberties. PUCL thinks otherwise. While disagreeing with their methods and deploring their actions, PUCL maintains that conditions existing in the society are no less responsible for motivating people to alter them through violence. In certain cases their violence is retaliatory against that of the government. Rule of law has to be guaranteed to every citizen of the country. This is the basic test of civil liberties. The same is its attitude to criminals, prisoners, anti-social elements, etc. PUCL's point of view has been detailed in the document "Question of Violence" (Appendix 2).

Some Landmarks

Most of our activities and involvements are reported in the PUCL Bulletin. Some of the important events on the human rights and civil liberties scene in the country in which the PUCL took initiative or lent its voice to can be mentioned in brief.

Right at the time of inception the PUCL requested Justice V R Krishna Iyer (Rtd.) to work on the preparation of a new Prison Act and Jail Manual. Simultaneously it started a campaign against the National Security Act. The immediate issue was that this Act by was being used against Trade Unionists, and Madhya Pradesh had arrested Shankar Guha Niyogi, a well-know Union leader and an active PUCL member. During the same period the notorious case of brutalities against Maya Tyagi had taken place in UP. The PUCL fought for the identification and punishment of the culprits.

The scourge of trafficking in women culminated in a journalist from Delhi buying a woman, Kamala, from Madhya Pradesh to demonstrate that the charge of trafficking was not a concoction. PUCL activists worked hard to expose the evil. Three persons, including Arun Shouri, the then General Secretary, approached the Supreme Court in an attempt to get a clear cut stand on liberalising locus standi. This was an important step in the sphere of Public Interest Litigation.

The PUCL Bulletin, in October 1981, published an analysis of

custodial torture by the police along with a number of case studies. It also studied intimidation and violence in Delhi University students' elections. A detailed survey of prison conditions and prisoner's rights was done in November 1981. Police terror in Nalgonda in Andhra Pradesh was also investigated.

The PUCL organised a conference of representatives of students and youth organisation in August 1981 in order to spread the Civil Liberties movements among the youth of the country.

The Bombay PUCL approached the High Court for staying the eviction of pavement dwellers in the midst of heavy down pore. It later moved the Supreme Court also praying for due notice and proper compensation to the evictees, in July 1981. It placed on record a rehabilitation scheme prepared with the help of expert urban planners. At the same time the PUCL was involved in forming public opinion on the question of appointment of Judges and independence of judiciary, which at that time centred round what came to be known as the "Judges Case". Earlier the same year, the PUCL had organised a campaign for academic freedom.

In March - April 1982 the PUCL again campaigned against 'encounters' because of rising number of liquidations in Andhra Pradesh, Tamil Nadu, Utter Pradesh, and West Bengal. 1982 also saw a PUCL intervention for the protection of Freedom of the press. During the same period, various branches of the PUCL organised meetings to safeguard the civil liberties of women. The organisation of Asiad Games in Delhi gave rise to many issues including that of ban on demonstrations, the use of ESMA, and use of child and bonded labour. The PUCL and its members, along with some other organisations, were in the forefront of the protests against these.

In 1983 the PUCL was a part of a detailed study on child labour in Sivkashi. A high-powered PUCL team consisting of V M Tarkunde, Kuldip Nayar, and K G Kannabiran brought out a detailed report after touring Assam, in the wake of large scale blood-shed, in March 1983. The Bhatti sand mines in Delhi were the subject of a detailed PUCL investigation because of a number of deaths of labourers that

had taken place. The Bombay PUCL organised a memorandum on the persecution of reformist Bohras to Prime Minister Indira Gandhi.

1984 saw the PUCL campaigning against death penalty. Also, in the month of September the TDP government in Andhra Pradesh under the leadership of N T Ramarao was challenged by a rebel minister and was dismissed. The new Chief Minister was asked to show majority on the floor of the House. 130 MLAs loyal to NTR crossed into Karnataka to escape harassment. They came to Delhi also and met the President. At their request, the PUCL organised an escort team to take them to the Assembly premises, from the borders of Karnataka, where they could not have been arrested or otherwise harassed. The escort team consisted of, amongst others, K F Rustamji and Arun Shourie. The group of MLAs was safely escorted.

From October 31 to November 3, 1984 there were large scale killings of Sikhs in the wake of assassination of the then Prime Minister Indira Gandhi. In Delhi a joint team of People's Union for Democratic Rights and People's Union for Civil Liberties published a report titled *Who are guilty?* after detailed investigation and collection of evidence.

Various branches of the PUCL, especially the Delhi and Madhya Pradesh PUCL, actively participated in the protests connected with the Bhopal gas tragedy in which thousands were reported to have been killed due to leak of poisonous gas from the plant of Union Carbide factory on January 3, 1985.

On August 1, 1985 some members of Parliament maligned PUCL and PUDR in the House saying that these organisations were agents of the CIA. The General Secretary of the PUCL, Dr. Y P Chhibbar, wrote to Shri Balram Jakhar, Speaker of Lok Sabha, terming the allegation as totally baseless and requested him to obtain the "definite proof" which one member had claimed he possessed, and to make it public, so that the PUCL could proceed further in the matter. The General Secretary also requested the speaker to read out his letter in the House. Of course, nothing was done.

In September 1985 the Citizens for Democracy prepared a report, *Oppression in Punjab*. The authors of the Report were members

of the PUCL also. The booklet containing the report was released on September 9. On 10th September it was banned. The authors were Amiya Rao, Sunil Battacharya, Aurobindo Ghose, Tejinder Singh, and N D Pancholi. V M Tarkunde had written the foreword. N D Pancholi and the printer were arrested and charged with "sedition" and "fomenting communal disorder"; all copies and the manuscript were confiscated. The anticipatory bail petition for Amiya Rao, Aurobindo Ghose, and Tejinder Singh was rejected by the Delhi High Court. An application was moved in the Supreme Court. Justice V D Tulzapurkar and Justice V B Eradi heard the petition for about a week. Justice Tulzapurkar favoured the bail but Justice Eradi was against it. A compromise was suggested. Amiya Rao was granted bail and the application for Aurobindo Ghose and Tejinder Singh was withdrawn. Ghose and Singh were arrested on September 28th. The case was thrown out by the Additional Chief Metropolitan Magistrate G P Thareja. The action was widely condemned throughout the country. The judgement is a landmark document.

May 1987: A PUCL team consisting of Rajindar Sachar, I K Gujaral, A M Khusro, and Dilip Swami went to Meerut to investigate the communal riots in Hasimpura, Meerut and other areas. Also in the same year the General Secretary protested against the impounding of the passport of the editor of *Dalit Voice*, V T Rajshekhar. Army atrocities in Manipur were highlighted.

1988 saw PUCL taking a leading part in the struggle opposing the obnoxious practice of Sati. It protested against the burning of Roop Kanwar. It actively supported the march to Deorala by its National Council member, Swami Agnivesh. It also protested against the proposed 59th Amendment to the Constitution. The Janata government, through the 44th Amendment to the Constitution, had barred the suspension of the right of life and liberty in an Emergency. The 59th Amendment introduced on March 14, 1988 aimed at undoing it. It sought the power to suspend Article 21 in respect of whole of India under the excuse of the situation in Punjab. PUCL also opposed the *Hospitals and Other Institutions Bill*. There were also protests against police brutality in M.P., Bihar, and West Bengal.

In 1989 there was an enquiry into the anti-Sikh flare up in Bidar (Karnataka). Protests against atrocities by the Assam Rifles at Oinam, Manipur were prominent. Inquiry into AMU and Aligarh town communal flare up was taken up. Kashmir visit by VM Tarkunde, Rajindar Sachar, Amrik Singh, Inder Mohan, ND Pancholi, and others resulted in a comprehensive report. Investigation into violence in Jehanabad (Bihar) was also undertaken.

In December 1990, the Bihar PUCL presented an enquiry report to the Commission of Enquiry into Bhagalpur disturbances.

January 1991: Report on communal riots in Aligarh. March 1991: A writ-petition was filed in Supreme Court against phone-tapping. April 1991: A joint letter was addressed to the President against mass rape by armed forces personal in Kupwara, Kashmir.

Human Rights and Narmada Bachao movement are a recurrent theme. Relief and rehabilitation has been a frequent subject of discussions and investigations jointly with other organisations.

September 28, 1991 murder of Shankar Guha Niyogi, a member of the National Council, was a great loss to the PUCL. December 1991, Home Minister S B Chauvin stated in the Parliament that Amnesty International and PUCL appeared to be under the influence of people hostile to the country. The provocation was the PUCL's demand for a judicial inquiry into the alleged rape of a number of women in Kunan Posphora (Kashmir) in February 1991.

August 1992: Madhya Pradesh Chief Minister branded PUCL as anti-national, along with certain other organisations, which were conspiring to break the country into two. November 1992: the PUCL formulated pre-conditions for a purposeful National Human Rights Commission. December 1992: Demolition of Babri Masjid and subsequent anti-Muslim violence at a number of places especially engaged the attention of the national office bearers and concerned State branches. Communal riots in Mumbai and its aftermath engaged the Bombay PUCL.

October 1993: Taslima Nasreen of Bangladesh was condemned to death by some religious fanatics. PUCL condemned this type of

terrorism. On 28 September, 1993 the Protection of Human Rights ordinance was promulgated to replace the Protection of High Rights Bill of 1993. Subsequently the Protection of Human Rights Act, 1993 was passed by the Parliament. It received President's assent on 8th January, 1994. The National Human Rights Commission came into being retrospectively with effect from 28th September, 1993. The PUCL decided to co-operate with the National Human Rights Commission. At the same time, it decided, that it would continue to work for suitable changes in the PHR Act to make the Commission more powerful and purposeful. The Amrita Bazar Patrika published a news item on December 21, 1993, quoting Union Home Ministry sources, saying that Rashtriya Swayam Sewak Sangh and the PUCL were amongst the organisations that received foreign funds. PUCL President, Rajindar Sachar sent a denial to the 'Patrika and a letter of protest to S B Chavan, Home Minister, demanding a denial. There was no response.

March 1994: Supreme Court upheld TADA. The PUCL expressed its disappointment over the judgement. July 1994: PUCL was awarded First MA Thomas Human Rights Award instituted by the Vigil India movement. November 1994: Nagpur police lathicharged a huge demonstration of Aadivaasis. Consequently there was a stampede which resulted in the death of 130 persons. This action was strongly condemned as the gathering was not violent.

May 1995: Supreme Court lay down that without the permission of a magistrate handcuffs and fetters could not be put on a convict or any person under trial. July 1995: TADA was allowed to expire. Provisions of TADA were attempted to be incorporated in Criminal law. The President of the PUCL was invited to depose before the Committee of the Home Ministry on the Criminal Law Amendment Bill. The Delhi State PUCL had filed a well documented case in the high Court on the corrupt practices indulged in by the Director of the G B Pant Hospital. He was indicted and later removed. In December the Supreme Court watered down the Mumbai High Court Judgements relating to corrupt practices in elections by Manohar Joshi and some others. In the same month General Secretary wrote to National Human

Rights Commission on the plight of Chakmas. The latter moved the Supreme Court which granted an interim stay directing the State of Arunachal Pradesh not to oust the Chakma refugees from the state.

February 1996: UP High Court awarded compensation to those of Uttarakhand agitators and their next of kin who were molested, raped, injured, or killed at Muzaffarnagar by the police action. UP PUCL President and other activists had appeared for the petitioners as the petition had drawn heavily from the detailed reports that were prepared and published by the State PUCL.

November 1995-August 1996: APCLC and PUCL presented written arguments before the National Human Rights Commission on custodial deaths in Andhra Pradesh. In July 1996 the Bombay PUCL moved the High Court on the work conditions of the sewage workers. The High Court approved the scheme formulated by the Occupational Health and Safety Centre and the PUCL. The national General Secretary later wrote to the National Human Rights Commission suggesting the implementation of the scheme in other States also. The National Human Rights Commission accepted the suggestion and took up the matter with the Secretary, Welfare, GOI and the Chief Secretary, government of National Capital Territory, Delhi.

August 1996: firing at Regional Medical College, Manipur was investigated by the State PUCL. September 1996: the Supreme Court directed the concerned Punjab Court to try K P S Gill for offences under sections 354 and 509 of the I P C. K P S Gill was sentenced. He had frequently attracted the adverse attention of the State PUCL as well as the national office bearers because of his anti-human rights attitude*.

January 1997: The Srinagar branch of PUCL filed a petition in the High Court highlighting the issue of corruption in the higher reaches of administration.

The Andhra Pradesh Civil Liberties Committee (APCLC) and the PUCL appeared before the NHRC and submitted a detailed report on 285 cases of false encounters in Andhra Pradesh.

AP PUCL prospected against the inaction of the State

government regarding the killing of Parag Kumar Das in broad daylight in the heart of Guwahati.

Tamil Nadu PUCL filed a petition before the High Court regarding the pass and scope of the Designated Human Rights Courts as provided in section 30 of the Protection of Human Rights Act 1993.

A writ was filed by PUCL in the wake of the report on 'tapping of politician's telephones'. While arguing the case before the high court Mr. Rajindar Sachar contended that, the right to privacy is a fundamental right guaranteed under article 19 (1) and article 21 of the constitution of India. He further argued that no procedure has been prescribed for the exercise of the power of the section 5 (2) of the Indian Telegraphy Act 1855.

Agreed with the contention of the PUCL Council, the court ruled that definite norms should be formulated and the orders for telephone tapping must be issued in exception circumstances by very high officials.

The Supreme Court delivered a landmark Judgment on a Manipur PUCL writ petition of 1992 regarding a fake encounter. The Court said that the "provisions to the International Covenant on Civil and Political Rights which elucidate and effectuate the fundamental right granted by the Constitution can certainly be relied upon by the courts as facets of those fundamental rights and hence are enforceable as such". The Judgment was delivered on February 5, 1997.

The Convenor of the Orissa PUCL, Guru Mohanti was appointed by the Orissa High Court to assist the court in a case regarding ragging in certain educational institutions in the state. The court took a strict stand against such offenses and on the report of the Guru Mohanti delivered severe punishments to the culprits.

The PUCL continued its fight against the lawless actions of the Punjab Police. The actions of the police in the case of Jaswant Singh Khaira were condemned at various Fora. One of the main police officers responsible for such actions was the notorious cop K P S Gill.

Prominent writers and intellectuals in Tamil Nadu came together

on the initiative of the PUCL to investigate the Caste Riots in Kamaraja district of Tamil Nadu. Their report severely condemned such divisive tendencies.

The PUCL intervened in a case filed by Sri AC Pradhan in the Supreme Court under Article 32 of the Constitution relating to voting rights of prisoners under trial. Sri Pradhan and PUCL as the intervener pleaded that the under trial prisoners should be given voting rights. Sri Rajinder Sachar And Sri Sanjay Parikh represented the PUCL. The Supreme Court did not accept their plea and dismissed the writ petition.

One of the most sad developments by the end of 1997 was in the ongoing case of Vineeta Gupta, a member of the National Council from Punjab. She had earned the ire of the Punjab Government as being a doctor in Government Services, she had reported against the Minister of State for Health in Punjab for alleged molestation of a female officer in his office. The case was represented to NHRC and the then chief of NHRC, Justice Ranghnath Mishra said in a public meeting at Ludhiana that in this case the NHRC was feeling helpless as the Punjab Government was not listening to it. As a protest, Vineeta Gupta resigned from the post of medical officer in 1997.

The Kerala High Court delivered a Judgment in early 1997, saying that Bandhs were an infringement of Civil Liberties of People. The Supreme Court affirmed the decision of the Kerala High Court. The PUCL opposed this judgement. The opinion in PUCL was that the call for a general strike is a democratic instrument of protest as long as it is peaceful.

The PUCL Bulletin continued to give space to article opposing the death sentence and also opposing the court decisions on bandhs.

The Punjab PUCL, filed a criminal writ petition in the High Court of Punjab and Haryana at Chandigarh under Article 226/227 of the Constitution of India praying for directions for removing the instruments of torture kept at most Police Stations, CIA Staff Offices, Interrogation Centres and Police Posts in the state of Punjab such as Ghotaanaa, Pattas, Shikanjaas, Chains, ropes, voltage regulators etc. Justice R L Anand. delivered a landmark Judgement and ordered that all such

instruments should be removed forthwith. He went on to say that though the petitioners "have sought the relief qua the state of Punjab, the relief can equally be made available not only to the state of Punjab but also to the state of Haryana and UT Chandigarh". The Judgement was reported in the August 1998 issue of the bulletin and sent to NHRC by the PUCL.

The PUCL approached the Press Council of India regarding the termination of the contract service of Shri HK Dua as editorial advisor by The Times of India. A case was made that this was an attack on the freedom of press. The Press Council of India took up the case.

The Delhi state PUCL took up the case of deportation of alleged 'Bangladeshis' from various states.

The Delhi PUCL based on its experiences of working in the bastis of Delhi stated that the whole campaign of identifying and deporting was conducted in such a way that it was nothing but a communal campaign and a large number of Indian Muslims speaking Bengali have also been herded and sent for deportation. It had become a campaign against Bengali speaking Muslims.

The Delhi PUCL visited the police stations at Tilak Marg, Parliament Street, and Tuglak Road in October 1998 to see if the orders of the Supreme Court in D K Basu, December 1996 were being followed. The orders had prohibited the use of third degree methods against suspects kept under police custody. The orders also prescribed guidelines for the benefit of detainees to be notified at a conspicuous place. The team led by Justice Maharotra, President of Delhi PUCL found that these police stations were not following the said orders.

The Press Council of India in the case of HK Dua Vs The Times of India filed by the PUCL censored the newspaper for a campaign against Mr. Dua and for publishing distorted statements in connection with the case. It was also recommended that the gist of the council's adjudication be published in the columns of the newspaper as prominently as the other side of the story was published by it.

The International Press Institute and the India Country Report

of the Commonwealth Press Union condemned the Press Council of India and its chairperson for their stand on the question of private ownership and freedom of the press in India. The chairperson of the Press Council has maintained that private business interests were a danger to the freedom of the press. K G Kannabiran, President and Y P Chibbar, General Secretary of PUCL supported the Press Council and lamented the fact that no newspaper in Delhi (all owned by private business concerns) published any statement defending the Press Council or its chairperson.

The complicated situation in Andhra Pradesh involving the CPI (ML) group, PWG and the question of violent methods has all this while been treated as a mere law and order problem. In early 1997, a group of 15 citizens in Andhra Pradesh came together to form the Committee of Concerned Citizens in order to attempt to reflect the voice of a large democratic section of society denying it any role in the ongoing conflict between the state and the 'Revolutionary' parties. This Committee has retired IAS Officer S R Sankaran who was one of the 8 IAS Officers who were abducted by the PWG and for whose release the state government had sought the good offices of the PUCL president K G Kannabiran. The Committee is an ongoing affair and is working hard to bring the two parties to the negotiating table.

The National Human Rights Commission appointed an Advisory Committee to suggest to it changes in the Protection of Human Rights Act, 1993. This Committee invited suggestions from citizens. The National Council of the PUCL appointed a sub-committee consisting of V M Tarkunde, K G Kannabiran and Y P Chibbar to draft and make suggestions to the Advisory Committee (Rajindar Sachar was appointed to this Committee but he had later withdrawn as he was the member of the Advisory Committee appointed by NHRC). The PUCL sub-committee forwarded its views to the NHRC Advisory Committee in December 1998.

V M Tarkunde, the doyen of Human Rights Movement in India, completed 90 years on 2nd July, 1999. Felicitation functions were held at a large number of places in the country and a volume was

bought out in his honour by the Indian Radical Humanist Association titled "V M Tarkunde - 90, A Restless Crusader for Human Freedom". The PUCL at the National level and many of its branches in different states held meetings to felicitate him.

The continuing controversy with regard to 'Impunity in Punjab' continued to attract attention of Human Rights activists all over the world. The PUCL Bulletin repeatedly devoted space to question this suggestion of the notorious Punjab Police officer K P S Gill. This is an attempt to cover hundred's of unlawful killings by the police in Punjab.

The Government of India requested the Law Commission to examine the Criminal Law Amendment Bill 1995 along with the proposed official amendments. The Commission prepared a working paper containing international comparative exercises and its recommendations. A seminar was organised on December 20, 1999 presided over by Justice J S Verma, chief of the NHRC. The general secretary of the PUCL, Dr. Y P Chhibbar, wrote to the Law Commission that the PUCL was opposed to the idea of any form of penal legislation that creates special procedures for combating terrorism. The PUCL therefore declined to participate in the seminar. Some comments on the proposed legislation by the PUCL President K G Kannabiran were however sent to be put on record.

The PUCL along with other organisations like the All India Federation of Organisations for Democratic Rights strongly protested into the incidents of communal violence against Christians in Gujarat, Maharashtra, Madhya Pradesh, and Orissa.

The Tamil Nadu PUCL along with the People's Watch and other organisations organised a Public Inquest into the alleged police excesses 17 persons in Tirunelveli.

The last months of 1999 saw severe police harassment of Bishop Dr A George Ninan and Dr James Massey for the stand they took following the murder of Gramham Stains and his two sons in Orissa. Justice Rajindar Sachar, Bishop Karan Masih of CNI, E Deenadayalan, Philip Yadhav and others staged a sit in protest outside Maharashtra Sadan in Delhi.

An Indian Airlines plane was hijacked on December 24, 1999 with 178 passengers and 11 crew members. The hijackers demanded the release of one Maulana Masood Azhakar. The PUCL appealed to the hijackers not to put 189 lives at stake for the sake of one person.

A team consisting of Justice Sachar, Shri Kuldip Nayar, Shri Ved Bhasin, and Shri Balraj Puri visited Srinagar in January 2000. The team raised the question of human rights violations in the State. It was pointed out that out 19,000 habeas corpus petitions only 2,000 were heard, the rest became in fruituous because the expire of the period of detention.

The PUCL condemned the opposition to the shooting of the film *Water* in Varanasi.

A senior member of the PUCL, Asghar Ali Engineer, was attacked at the Mumbai Airport by the suspected followers of the Bohra Chief Priest, Syedna. The attack was condemned by the PUCL General Secretary in March 2000 issue of the 'Bulletin'.

The Tamil Nadu PUCL exposed the State Police for the "Encounter" death of Raveedran at Dharmapuri.

The Karnataka PUCL and some other organisations published a report on the communal situation in Bababuddangiri.

PUCL's website: <www.pucl.org> was designed and put into operation by Sandeep Vaidya.

Clippings in the PUCL Reference Library of important newspapers from Delhi on issues concerning Human Rights was thrown open for research facilities.

The Andhra Pradesh PUCL condemned the lockup death of Kona Krishna Kumari in May 1999 at the Mahila Police Station of Vijayawada.

The Tamil Nadu PUCL published a report on the death of Nathan in police custody in Chintadripet.

The National Human Rights Commission upheld the complaint of Jamshedpur PUCL and held Tata Main Hospital guilty of negligence.

The NHRC also awarded a compensation of two lakh rupees to

the next of kin of Ajay Tiwari who was beaten to death in Ranchi Mansik Arogyashala.

The Punjab PUCL and Insaaf International looked into the corruption of World Bank funded Punjab Health Systems Hospitals.

The massacre of 35 Sikhs at Chhitisinghpura in Kashmir on March 20, 2000 and the subsequent handling of the situation was criticised by the PUCL.

The Allahabad High Court issued a mandamus, directing the State of UP to complete the formality to constitute a State Human Rights Commission within 3 months. The judgement was delivered as a sequel to a writ petition filed by the UP PUCL.

Delhi PUCL condemned the police brutality on the students of Shafiqur Rehman Kidwai hostel of Jamia Milla Islamia University of Delhi.

The Committee of Concerned Citizens of Andhra Pradesh initiated talks with the State Government to end the climate of violence and brutalisation under the leadership of S R Sankaran and K G Kannabiran.

The Bihar PUCL exposed the brutalities of the police in Murlichak Musahari, Patna.

A joint team of many organisations reported on the attacks on minorities in areas to Uttar Pradesh.

The M A Thomas National Human Rights Award for the year 2000 was bestowed on Justice Tarkunde.

A case of fake encounter at Sakchi Meenapur in Muzaffarpur district of Bihar was looked into by Bihar PUCL.

The Delhi PUCL issued a report on police harassment of Bengali speaking Muslims under the garb of in the name of Bangladeshi infiltrators.

The Bihar PUCL published a report on police atrocities against women in Senari village of Jehanabad.

K G Kannabiran wrote top the Chief Minister of Orissa against police firing on Tribes on December 15, 2000.

Prabhakar Sinha, Vice-President of Bihar PUCL, wrote to the Chief Justice of Patna, High Court objecting the invitation from a judge of the Patna High Court who was enquiring into the fodder scam, to the accused of fodder scam to the accused of hidden scam Lalu Prasad Yadav, to a function he had posted.

The Bihar PUCL wrote a report on the inhuman conditions in Dhanbad district jail.

The PUCL Bulletin continued to bring to public attention on the issue Hashimpura killings by the Uttar Pradesh Public Service Commission.

Bihar PUCL published a report on Police firing in village in Dhanbad.

The Delhi PUCL enquired into and published a report on the killing of a person in broad day light by the police in New Seelampur.

The National office of the PUCL rescued a 20 year old newly married Tribal woman of Bihar who had lost her way in Delhi with the help of Devkala Devi, the w/o an employee of the Apartment Complex where the office is located. Her family was traced with the help of the Begusarai PUCL in Bihar.

The Jamshedpur PUCL issued a report on the Tapkara police firing. Nagasaila and V Suresh highlighted the perils of working women inflicted on them in the shape of sexual harassment.

The Karnataka PUCL protested against the enactment of Karnataka Organised Crime Bill

The Bihar PUCL wrote a letter to the Patna High Court, Chief Justice citing instances of biased arrests and consequent cases in the State.

Representatives of 10 organisations including the PUCL took up the case of continues sexual harassment of a woman Dalit judge in Rajasthan.

Bihar and Jharkhand PUCL published a report on the encounter between the police and the group of Mohd. Shahabuddin at Pratappur in Siwan district on March 16, 2001.

The PUCL completed 25 years of its existence in November 2001. The National PUCL and the Delhi State branch marked the day at the Constitution club where its former General Secretary and the Vice President of India at that time, Shri Krishan Kant, was the Chief Guest.

The Ajmer PUCL reported on human rights violation at Naseerabad.

The Rajasthan PUCL filed a writ in the Supreme Court on famine death. The case and its offshoot issues are still being heard.

The General Secretary wrote on the Prevention of Terrorism Ordinance (POTO) and the PUCL Bulletin continued to write against laws like TADA and POTO, etc. Shri Kannabiran wrote in the issue of January 2002.

The Uttarakhand PUCL published a report exposing the claims of rehabilitation of the people uprooted in the Tehri Dam area, in January 2002.

The National Human Rights Commission, on a complaint from Shri S Bhattacharjee, President, Jamshedpur PUCL, deputed Shri Chaman Lal IPS (Rtd) to visit the Sakchi jail. Shri Chaman Lal in his comprehensive report described the State of affairs as sad.

The PUCL condemned the attack on the Parliament House and expressed its sympathy with the families of those who's sacrificed their lives in the attack.

On a representation from Dr Y P Chhibbar the National Human Rights Commission formulated guidelines on the subject of availability and supply of reading materials to prisoners in Jails all over the countries.

The PUCL Banda (U.P.) fought against the gang rape by police persons of a 14 year old girl.

The PUCL registered its anger on the carnage at Godhra and other places in Gujarat. The President of the PUCL sent a letter to the Rashtrapati and General Secretary wrote in the 'Bulletin. Other organisations also registered their protest. It may be mentioned that J S Bandukwala of the PUCL was one of the worst sufferers.

Chhattisgarh PUCL brought out a report on police atrocities in Jagdalpur in Nagarnar.

The Chitrakoot PUCL in U P brought out a detailed report on atrocities on Dalits.

The PUCL and another party filed a petition in the Supreme Court for ensuring clean elections and secured a land mark judgement saying that the candidates will file a declaration of the assets of the family and pending offences of a certain type in the Court.

Shri PS Appu a former civil servant wrote to the PUCL informing that he had written to the president about the agonising situation in Gujarat fraught with disastrous consequences.

Orissa PUCL and some others brought out a report on police atrocities in the district in Boudh.

A public hearing on torture, degrading treatment and sexual abuse of children was held in Chennai by a group of activists including Ms. Sudha Ramalingam of the PUCL.

Activists of Kerala PUCL and some others initiated in Plachimada in Chittoor Taluk, Palakkad District against the Hindustan Coco Cola factory.

The Karnataka PUCL published a report on Communal disturbances in Kodagu and other areas.

The Bihar PUCL published a report on killings of Rajasthani labours by the Ranveer Sena. It also published a report on killing of Dalit at Bhadaura.

The Uttarakhand High Court admitted a writ petition of the UP Uttarakhand PUCL asserting that the right to development was a Human Right.

The Jharkhand PUCL published a report on killing and injuring of Tribals at Tapkara, Ranchi District.

The Bihar PUCL published a report on the rape of 3 Adivasi girls in Nalanda district. It also published a report on a fake encounter resulting in the killing of one Surendra Bhagat.

K G Kannabiran on behalf of the PUCL and K Balagopal on

behalf of Human Rights Forum of Andhra Pradesh responded to the questionnaire issued by the Committee on reform of Criminal Justice System.

Anti Coco Cola struggle in Kerala continued and the latest development was published in the 'Bulletin of November 2002.

The efforts of the UPPUCL for the establishment of State Human Rights Commission in U P continued and the Commission was established on October 7, 2002.

An 8 members Tribunal comprising J J V R Krishna Iyer, P B Sawant, H Suresh, Advocate K G Kannabiran, Ms Aruna Roy, K S Subramaniyan, Ghanshyam, Tanika Sarkar, Sa as concerned Citizens Tribunal Heard the victims of events following the Godhra tragedy in Gujarat and produced a report of more than 500 pages with another report to follow. The 'Bulletin of January 2003 published an abridged version.

Five Dalits were lynched by a mob at the Duleena police chowkie near Jhajjar in Haryana.

Orissa PUCL investigated and published a report about police atrocities on the villagers of district Boudh.

Bihar PUCL investigated and reported on police firing at Munjhaul in the 'Bulletin of March 2003.

The Bihar PUCL also published a report on a fake encounter in Aashiaanaa Nagar.

The efforts of the PUCL and the association for Democratic Reforms to make elections cleaner bore fruit on March 13, 2003 when the Supreme Court reiterated the right of the voters to know about the candidates. The efforts of these organisations were recorded in the 'Bulletin of April 2003 by Y P Chhibbar.

The continuing efforts of the Committee of the Concerned Citizens for opening a dialogue with the CPI-ML-PW again found space in the April 2003 issue of the 'Bulletin.

The PUCL Bhubaneswar and Cuttack published a report on the illegal detention and custodial torture of one Lotus Samal.

A 2 day Convention at Hyderabad called by PUCL, APCLC, HRF and OPDR was held to oppose POTA.

The 'Bulletin of July 2003 published an article on the need of some sort of structure, like the Press Council for the print media, to oversee the content and working of the electronic media.

The July 2003 issue of the 'Bulletin published Ravi Kiran Jain's letter on the need to form a National Forum for Independence for Judiciary.

Mohammed Wajihuddin wrote an article condemning a crossly communal film which underlined PUCL efforts with the National Human Rights Commission on the content of the films promoting custodial crimes, violence against women, lampooning police, etc. The General Secretary had been writing to the National Human Rights Commission in this regard.

The Bihar PUCL complained to the National Human Rights Commission about the rape of a female inmate in Sasaran Jail resulting in pregnancy reported in October 2003 issue of the Bulletin.

Justice V R Krishna Iyer wrote in the November 2003 'Bulletin against the ban of strikes.

The General Secretary condemned the reaction of the speaker of the Tamil Nadu State Assembly sentencing five journalists of The Hindu and one of the Mulasoli IF THIS IS THE NAME OF A PAPER THEN THIS SHOULD BE IN ITALICS to 15 days jail is nothing but contempt of the Indian Constitution.

The Karnataka PUCL investigated the encounter deaths of PWG activists in Udupi district.

The Samyukta Sangharsha Morcha of Uttarakhand pleaded for the impeachment of J J Verma and Ghildiyal of the Uttaranchal High Court for their judicial 'Misbehaviour'. Ravi Kiran Jain, President of the Uttar Pradesh PUCL before the partition of the State, wrote in this regard in the 'Bulletin of January 2004.

A team of the national PUCL investigated the killing of two Dalits in district Saharanpur of UP.

Killing of 6 persons in district Arwal of Bihar was investigated by the Bihar PUCL.

The Karnataka PUCL prepared a report on the trans-gender community which was published in the March 2004 'Bulletin.

Justice Tarkunde expired on March 22, 2004. Special articles were published in the PUCL Bulletin of April 2004.

Condolence meetings and messages on the death of V M Tarkunde were covered in the April 2004 'Bulletin.

Messages on the death of Justice Tarkunde continued in the May 2004 issue also.

The PUCL welcomed that the UPA Government included in its CMP the repeal of POTA and the General Secretary wrote to the Prime Minister on May 25, 2004 in this regard.

The Orissa PUCL wrote a detailed report into atrocities on Christians in the Jagatsinghpur district.

The National Human Rights Commission on a letter from the General Secretary regarding callous and inhuman attitude of the R K Puram Police of Delhi, conveyed to the PUCL that the concerned police officer was warned.

The Jharkhand PUCL protested to the Zee News channel about the inaccurate reporting on 'Lynching of Naxals and their supporters' in a telecast on October 11, 2003. The letter of Nishant Akhilesh were published in the August 2004 'Bulletin.

A Bihar PUCL reported on another massacre, this time in Benar village in Nalanda district.

The General Secretary wrote to the NHRC regarding the alleged rape of Th Manoramadevi in Manipur by the personal of the Assam rifles, September 2004 'Bulletin.

The struggle of the Panchayat of Perumatty, Palakkad district of Kerala was picked up in October 2004 under the name of George Mathew.

The hunger strike of POTA prisoners in Chennai central prison

was the subject of investigation by Justice Rajindar Sachar, Sudha Ramalingam, and others as reported in the November 2004 issue.

PUCL president Kannabiran met the Prime Minister to urge that the fast peace talks between the Andhra Pradesh Government and the representatives of CPI (ML), PWG and Janasakthi should be continued. The Prime Minister received him cordially and remarked that he regarded organisation like the PUCL as "watchdogs of our activities". He also commended the work of Committee of Concerned Citizens, see December 2004 'Bulletin.

December 2004 'Bulletin reported the NHRC proceedings on Mass cremations of Punjab.

The Chhattisgarh PUCL issued a detailed report about the custodial crimes and fake encounters etc during the second half of 2004 (January 2005 'Bulletin)

The Supreme Court finally disposed of the Sankar Guha Niyogi murder case on January 20.

PUCL President wrote a letter to the Prime Minister emphasising once again that it was in the interest of people that the talks between the government of Andhra Pradesh and the Naxalite did not break down. The Prime Minister wrote back that he agreed with this approach and said that this seemed to be an opportune moment to write a new chapter in the history of Andhra Pradesh.

The Tamil Nadu PUCL issued a detailed statement on the rehabilitation and relief work in the wake of Tsunami.

Bhubaneswar and Cuttack branches of PUCL filed a writ petition in the Orissa High Court for action against officials found guilty for the police firing on December 16, 2000 on tribals at Mikanch.

The same issue of the 'Bulletin published excerpts on the Armed Forces Special Powers Act 1958.

Delhi PUCL's report on the custodial death of one Parmeshar Dayal was published in the April 2005 'Bulletin.

The May 2005 issue of the 'Bulletin published the report on police atrocities in Kashipur and Rayagada, Orissa.

The Supreme Court, in the Rajendra Sail contempt of court case said that though the High Court sentence was not "unjustified but... the organisation to which we belongs which, it is claimed, brought before various courts... many Public Interest Litigations for general public good, we feel that ends of Justice would be met if sentence of 6 months is reduced to sentence of one week simple imprisonment."

The report of lathi charge on the dwellers of demolished slums in Mumbai on April 6, 2005 was published in the June 2005 'Bulletin.

Three Local branches of Orissa wrote a report in the atrocities on protesters against the establishment of Alumina Industry which was published in the July 2005 'Bulletin.

A team of the National PUCL wrote a report in the September 2005 issue of the 'Bulletin on police violence in Gurgaon against the protesting workers of the Honda Motors & Scooters.

Kannabiran's letter to Ms Asma Jehangir of the National Human Rights Commission of Pakistan, an NGO, concerning the death penalty imposed by the Pakistan's Supreme Court on one Shri Sarabjit Singh was published in the October 2005 issue of the 'Bulletin.

The November 2005 issue of the 'Bulletin published the Bihar PUCL report on police firing August in Maharajgunj. The Bihar PUCL also looked into the false kidnapping charge against on Umesh Kumar and recommended that the case against Umesh Kumar Sharma should be withdrawn.

November 2005 issue of the 'Bulletin also gave a summery of the situation regarding Pak-prisoners in India and Indian Prisoners in Pakistan.

In November 2005 the Supreme Court finally confirmed the judgement of the notorious sexual harassment case against K P S Gill, former DGP of Punjab.

November 2005 issue reported the final disposal of the Parliament attack case acquitted SAR Gilani and enhancing the sentence of Shaukat Guru.

The PUCL Bulletin also took up the cause of actress Khushbu and Suhasini's persecution.

The Varanasi branch of the U P PUCL wrote a report on flesh trade in Shivdaspur (January 2006 Bulletin).

A report of the Chhattisgarh PUCL is August 2006 issue of 'Bulletin highlighted State repression in Birkoni.

The Supreme Court transferred the Hashimpura (Meerut) atrocities case to Delhi where the Court of additional sessions judge MP Kaushik framed Charges of murder, attempt to murder, Criminal Conspiracy, abduction, unlawful assembly, assault and unlawful compulsory labour against the UP PAC personal on June 1, 2006. The PUCL investigations committee comprising Rajendra Sachar, Indar K Gujral, A M Khusro, Dalip Swami, and K C Gupta had brought out a report on June 23, 1987. This report was reproduced in the September 2006 'Bulletin to put the proceedings of the above mentioned case in proper perspective.

The General Secretary invited the State and local branches in October 2006 'Bulletin to initiate steps and evolve programmes initiated by the Government so that there may reach the target populations. The programmes mentioned were:

- A criminal against labour cell in East district.
- The National Rural Employment Act.
- The Right to Information Act.
- The Amendment to Section 436 of Cr. Pc.
- The Amendment to Child Labour Prohibitions and Regulations Act.

A report of the Jharkhand PUCL in the February 2007 'Bulletin revealed a pathetic and highly condemnable conditions prevailing in the Sakchi Jail in East Singhbhum. The report was also sent to the National Human Rights Commission.

The March 2007 issue was devoted to late Shri Tarkunde. This was the 300th issue of the PUCL Bulletin. As Shri Tarkunde also had expired in the month of March (2004), this third Century number of the 'Bulletin was dedicated to Shri Tarkunde.

The April 2007 issue of the 'Bulletin published a report on the

Nithari Tragedy where a number of serial murders of children had taken place. The same issue of the 'Bulletin had a report on the custody death of a Dalit youth in Noida who left behind his blind parents and two teenage sisters. Another report was about a police station in Noida which revealed the deplorable infrastructure of the Police Station. These three reports were by Dr Pushkar Raj, assisted in the third report by some researchers from JNU, Delhi.

The report of a PUCL team about the violent incidents of Nandigram on January 7, 2007 was published in April 2007 'Bulletin.

On an application Shri Prabhakar Sinha to the Chief Information Commissioner, Bihar the Patna High Court was directed to place its rules framed under Section 28 of the Right to Information Act, on its website.

The PUCL General Secretary's letter to the vaster of Delhi University on the issue of sexual harassment in the issue was published in the June 2007 'Bulletin.

The arrest of Dr. Binayak Sen, a National Vice President of the PUCL and General Secretary of the Chhattisgarh PUCL was and continued to be a subject of protest meetings and resolutions, etc., by all the branches of the PUCL and his arrest was condemned in India and outside India.

The same issue of the 'Bulletin published a complaint on sexual harassment by a former women employee of the UNICEF against its India Chief, Secilio Adoma.

The August 2007 issue of the 'Bulletin published the report of a 24 member joint team of the Rajasthan PUCL, the PUDR Delhi, the AFDR Punjab, and students of various National Law University Colleges, of the caste violence that gripped Rajasthan in the month of June 2007.

The September issue of the 'Bulletin published a report by Dr George Mathew, President of Delhi State PUCL, and Director, Institute of Social Sciences, Delhi on violence against women in the Panchayat politics of Andhra Pradesh.

The Karnataka PUCL published a report in the September issue of the 'Bulletin on the so-called encounter between the police and the Naxals at same places.

K G Kannabiran wrote an appeal letter to the Rashtrapati for remission of sentence and early release of Sri Lankan and Indian prisoners.

K G Kannabiran and Kalpana protested against the attack on Tasleema Nasreen on August 9 in Hyderabad.

The Jharkhand PUCL wrote a report in October issue on the illegal detention of an Afghan citizen in Dumka.

The November 2007 issue of the 'Bulletin published an article by Justice Rajendra Sachar against judgements in some High Courts and the Supreme Court declaring Bandhs illegal.

The December issue of the 'Bulletin analysed the Encounter Culture and Accountability of Police in a piece by Pushkar Raj and Shobha Sharma.

Jharkhand PUCL's report on burning of 28 huts in Garhwa was published in the December issue of the 'Bulletin.

A detailed report in this issue by Bihar PUCL analysing floods in the State and how they were related to human rights on millions of people.

The PUCL President and General Secretary wrote a letter to the Governor of West Bengal urging him to call a round table on Nandigram.

Ram Naresh Sharma, an office bearer of the Bihar PUCL and Government APP was murdered in Begusarai at his residents. This murder of a human rights defender was condoled by the State and the National PUCL.

* *Issues and activities of the following years will be covered in the next edition.*



Constitution of the PUCL

(Incorporating Amendments up to April 25, 1999)

1. Name

The name of the organisation shall be the People's Union for Civil Liberties (PUCL).

2. Aims & Objects

The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India, irrespective of any differences which they may have in regard to political and economic institutions suitable for the country.

The aims and objects of the organisation will be:

- (a) To uphold and promote by peaceful means civil liberties and the democratic way of life throughout India;
- (b) To secure recognition to the principle of dignity of the individual;
- (c) To undertake a constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles;
- (d) To work for the withdrawal and repeal of all repressive laws including preventive detention;
- (e) To encourage freedom of thought and defend the right of public dissent;
- (f) To ensure the freedom of the press and independence of mass media like radio and television;
- (g) To secure the rule of law and independence of the

judiciary;

- (h) To make legal aid available to the poor;
- (i) To make legal assistance available for the defence of civil liberties;
- (j) To work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities;
- (k) To bring about prison reform;
- (l) To oppose police excesses and use of third degree method;
- (m) To oppose police discrimination on the ground of religion, race, caste, sex, or place of birth;
- (n) To combat social evils which encroach on civil liberties, such as untouchability, casteism, and communalism;
- (o) To defend in particular the civil liberties of the weaker sections of society and of women and children;
- (p) To do all acts and things that may be necessary, helpful, or incidental to the above aims and objects.

3. Criteria of Membership

(a) Every adult person shall be eligible to be a member of the organisation if he/she believes that civil liberties must be maintained in India, now and in the future, irrespective of any economic and political changes that may take place in the country.

(b) Members of the political parties will be entitled to be members of the organisation in their individual capacity if they subscribe to its aims and objects. They will have all the rights of membership except that:

- (i) The President, the Vice Presidents, the General Secretaries, other Secretaries, and the Treasurers of the organisation or any of its branches shall not be a member of any political party.
- (ii) At least one-half of the members of the National Council

and the National Executive Committee and of corresponding bodies at the State and local levels, shall be person who are not members of any political party.

- (iii) Not more than 10% of the members of the National Council and the National Executive Committee, and of corresponding bodies at the State and local levels, shall be members of one political party.

(c) The membership fee will be Rs.50/- per year, to be collected once a year. Student members and non-earning members who are below the age of 25 may pay Rs.10/- per year as member's fee. The Executive Committees at every level will be entitled to admit persons from economically weaker sections of society, like workers and peasants, at a membership fee of Rs.10/- per year.

(d) Those who pay Rs.1000/- in a lump sum will be Life members. Those who pay Rs.2000/- will be Patron members of the organisation.

(e) The National Council will have the right, by a two-third majority, to refuse membership to any person or to remove any person from membership. The Council of a State branch will have a similar right in the respective State.

3. (A) Institutional Members

In addition to individual members there may be Institutional members also. All voluntary groups and institutions (but not political parties or groups affiliated to them) which agree with the objectives of the PUCL and desire to join it will be entitled to become Institutional Members in accordance with the Supplementary Rules laid down by the National Executive Committee (see at the end).

4. National Convention

(a) A National Convention of the organisation will be held once in two years.

(b) The National Convention will review the work of the organisation and lay down policies and programmes for future.

5. National Council

- (a) The National Council will meet twice a year.
- (b) The National Council will determine the policy and programme of the organisation, in conformity with the policies and programmes adopted by the National Convention.
- (c) The National Council will elect the President, one or more Vice Presidents, one or more General Secretaries, one or more other Secretaries, and Treasurers for the ensuing term, as laid down in Clause 7(2).

6. The National Executive Committee

- (a) The National Executive Committee will look after the growth and work of the organisation, in conformity with the policies and programmes adopted by the National Convention and the National Council.
- (b) The National Executive Committee will promote the formation of branches of the organisation in every State in India.
- (c) The National Executive Committee will promote the policies and programmes of the organisation during the interval between two National Conventions and meetings of the National Council.

7. Elections and Formation of National Bodies, Calling of National Convention

(1) At least six months before the next National Convention, the General Secretary would write to all the State branches that they should elect, preferably by consensus, representatives of their respective States for the National Council. The number of members to be elected by the States will be conveyed to them by the General Secretary in proportion to the total membership of the PUCL in the state according to the records with the National office at the time of the above mentioned letter from the General Secretary to the State branches. Besides these names, the General Secretary of the State branch will be an ex-officio member of the National Council. The names of the representatives of the State will be communicated to the General Secretary of the PUCL within two months of the receipt of his letter.

(The national President and the General Secretary may nominate, if necessary, some members to the National Council/National Executive Committee).

(2) At least three months before the expiry of the term of the current President and other office bearers of the PUCL, a meeting of the National Council, constituting of the representatives of the States, including the State General Secretary, and the nominees of the national President and the General Secretary, if any, will be held at a place fixed by the General Secretary of the PUCL in consultation with the President. This meeting of the National Council will decide, on the basis of consensus, and if necessary, by votes, the office bearers as mentioned in Clause 5 (c) for the next term commencing from the date on which the next National Convention will be held.

(3) The aforesaid meeting of the National Council will also elect the National Executive Committee of the PUCL which will comprise of the President, the General Secretary, other office bearers, all the former presidents, and such other members as may be decided by consensus by the National Council or nominated by the national President and General Secretary.

(4) The outgoing President will be an ex-officio member of both the National Council and the National Executive Committee.

(5) The aforesaid meeting of the National Council will also decide the venue and the date of the National Convention. The National Executive Committee will act as the Subjects Committee and would meet on the date preceding the National Convention to decide upon the resolutions, etc., to be discussed by the Convention. Members of the PUCL who want to propose some resolution would send them to the General Secretary one month before the proposed date of the Convention.

8. State and District Branches

(a) With the sanction of the General Secretary, who in this matter will act in consultation with the President, members of any State may set up a state branch.

(b) As far as possible, in consultation with the General Secretary of the PUCL, the same pattern would be adapted at the State and district level for their functioning and elections.

(c) A State Council and State Executive Committee of the branch will be elected, as far as possible, according to the procedure laid down in Clause 7 above, in consultation with the General Secretary.

(d) The provisions analogous to clauses 4, 5, 6, and 7 above shall govern the State Convention, The State Council, the State Executive Committee, and the office-bearers of the State branch.

(e) Out of the membership fee collected in any State, one-third shall be sent to the National office and two-third shall remain with the State branch and shared equally with the district branch concerned.

(f) In case of Life members and Patrons members, 40% of the amount will be sent to the National office. The entire amount of such members enrolled directly with the Central office will be kept there.

9. Supplementary Rules

Supplementary Rules for the organisation shall be made by the National Executive Committee as and when necessary.

10. Amendments

The National Council will be entitled by the vote of a majority of its total membership to alter any part of this constitution except the aims and object of the organisation and the criteria of membership as specified in clause 3 (a) above.

Supplementary Rules for Institutional Membership (Refer to Clause 3(A) of the Constitution)

1. Those groups desirous of admission as Institutional Members will have to: (a) Announce support to the objectives of the PUCL and (b) Apply for the same, after taking a decision to do so as per their respective by-laws.

2. The PUCL National Executive Committee will have the power to accept or to reject the applications for admission after careful consideration.

3. Each group would be required to pay an annual fee of Rs. 100/- irrespective of its size, or nature of its activity. The Executive will, however, have the power to reduce the amount of the fee in exceptional circumstances.

4. Each group active in a state will have the right to nominate one representative as a member of the State Council.

5. Each group active in more than two states will have the right to nominate one representative as a member of the National Council.

6. All Institutional Members in a State will together be given one seat on the State Executive Committee in case their number is less than five, and two, if it is five or more.

7. All Institutional Members represented on the National Council together will, in case their number is less than ten, nominate one person to the National Executive Committee or two, in case their number is ten or more.

8. The mode of such representation, as provided in 6 & 7 above can, either be by rotation or by agreement amongst the institutional members or will be left to be decided by them in consultation with the President of the PUCL.

Y P CHHIBBAR
General Secretary



Working including Publications

In the case of an emergency where speedy decisions have to be taken as to whether or not to commit the PUCL to any action or to take any action in the name of PUCL, the President/the General Secretary may take an action after consultations. At the State level, if required, the President/the General Secretary should contact the National General Secretary. However when an occasion demands immediate action at the National level, the Advisor, the President, and the General Secretary are authorised to take such action or issue such statement, jointly or individually, on behalf of PUCL as they, preferably in consultation with each other, deem fit and proper.

Local PUCL Journals

Any state branch, if it so wishes can bring out its own journal, etc.

1. The decision to bring out the journals has to be taken by the local/State Executive.
2. The Declaration of the journal has to be in the name of the President or the General Secretary, as the Executive may decide, as the Publisher. The Editor should be appointed by her/him. The Editor is to be accountable to the Publisher.
3. The President or the General Secretary of the state branch would be the Printer and Publisher.
4. The President/General Secretary of the state branch would ensure that the aims and objects of the PUCL are correctly reflected in the journal.

5. It would be a good policy to carry, as much as possible, the matter published in the PUCL Bulletin published by the National PUCL from Delhi.

A copy of every issue should be sent to the National Office. All publications have to reflect the policies of the PUCL. It is the responsibility of the National office to ensure this.

Maintaining Records of Membership, etc.:

It is very necessary to maintain proper and regular records of membership as it is needed at the time of elections and Conventions.

The National office maintains every address on a card measuring 4 inches by 5 inches. This facilitates arranging the cards alphabetically and insertion or removal of addresses. State offices can arrange them district wise. If you observe the address label on the 'Bulletin, you will see a number on top of your name [Example: 01/7/99/MB]. This number on top of every address gives us postal division into the Capital city of the State and the rest (This you do not need). This is a postal requirement for bulk mailing of letters or the 'Bulletin). The second number is the month of joining, and the third number is the year when the subscription was paid. The alphabet(s) that follow are code(s) that denote(s) the type of membership. These codes are: Annual member of PUCL M; Annual member and subscriber to the PUCL Bulletin: MB; Life member: L; Life member and subscriber to the PUCL Bulletin: LB; Patron member: P; Patron member and subscriber to the PUCL Bulletin: PB; Student member or those belonging to economically weaker sections [clause 3(c) of the Constitution]: S; Institutions, Libraries, Offices: I; Donors: D. THIS NUMBER, HOWEVER, IS NOT THE ID OF A MEMBER.

The National office sends Demand Note/Reminder for subscription, etc., to every individual member. If the member does not respond to two Demand Notes, member's name is removed from the list. Sometimes, due to over work in the office, the Demand Note may be delayed; consequently, the deletion of the name is also delayed. A clarification about the three types of membership, i.e., Yearly, Life, and Patron is in order. These three types do not represent a hierarchy

of membership. All members are equal. Life membership and Patron membership simply afford an opportunity to those who desire to contribute some extra money to the PUCL to strengthen its financial position. No membership carries any privilege. All members shoulder the burden of fulfilling the aims and objects of the PUCL as per the programme of the concerned branch. Also the PUCL does not issue any identity cards to its members as they are not supposed to take initiative independently.

'Journalism for Human Rights' Award & J P Memorial Lecture

In order to bring awareness about Civil Liberties and Human Rights the PUCL had instituted in 1981 a Journalism for Human rights Award. However, this Award was discontinued in 2003. A list of Award winners during this period is appended below. (it should be herewith, as it is actually starting at the top of the page and not 'below')

Previous Winners

Swami Trivedi	for 1981 in 1982
Chaitanya Kalbagh	1983
Neerja Chawdhary (Ms)	1984
Shahnaz Anklesaria (Ms)	1985
Sheela Barse (Ms)	1986
Manimala (Ms)	1987
K. Balagopal	1988
Bharat Dogra	1989
Mukul	1990
Raju Mathew	1991
Sajan Abraham	1992
Jeemon Jacob	1993
Teesta Setalvad (Ms)	1994
P. Sainath	1995
Utpal Bordoloi	1996
Subhas Ganguly	1997

Kathyayini Chamaraj (Ms)	1998
Jyoti Punwani (Ms) & K R Meera (Ms)	1999
Sakuntala Narasimhan (Ms)	2000
Saswati Bora (Ms)	2001
Rani George (Ms)	2002
Dionne Bunsha (Ms)	2003
P K Prakash	for 2003 in 2004

A function is held every year on March 23, in which a JP memorial Lecture is delivered by some eminent person in the field of Human Rights and Civil Liberties. The function is held on this date as the Emergency was lifted in 1977 of March 23rd. This is PUCL's tribute to its founder, Jayaprakash Narayanan. All the JP Memorial Lectures delivered so far one available in book form.

Justice V M Tarkunde, who was a founder of the PUCL along with Jayaprakash Narayan and others, expired on March 22, 2004. The National Council decided to institute a V M Tarkunde Memorial Lecture to be held every year. It was decided to hold this Lecture on November 23 every year as the Constitution of the PUCL was adopted in an all India conference at Delhi on this date in 1980 under the Presidentship of Justice V M Tarkunde. The first PUCL V M Tarkunde Memorial Lecture was delivered by Prof Rajni Kothari on November 23, 2005 at Delhi.

