

Movement Allies: The Politics of Civil Rights Activism in India (1960s-1980s)

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by
Ankita Pandey

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Name (in capitals): ANKITA PANDEY

Candidate number: 748512

College (in capitals): WOLFSON COLLEGE

Supervisor(s) of thesis: Prof. Nandini Goopu

Title of thesis (in capitals): MOVEMENT ALLIES: THE POLITICS OF CIVIL RIGHTS ACTIVISM IN INDIA (1960s-1980s)

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Thesis Abstract

This thesis is a study of the practices of civil rights groups in Indian politics as a distinct form of collective action. It examines the key aspects—composition, location, tactics, internal debates and collective identity—of civil rights groups in India during 1960s-1980s. Civil rights groups, in the Indian context, are independent and voluntary activist organisations such as the People’s Union for Civil Liberties (PUCL) and the People’s Union for Democratic Rights (PUDR). They were formally set up in the early to mid-1970s. Their goal has been to defend the civil liberties and democratic rights of citizens, often, but not exclusively, from official abuse. The scholarship on civil rights groups has classified their collective action as a social movement. However, based on an examination of the history, practices and the narratives gathered from activist interviews during fieldwork, I argue that civil rights groups are better understood as *movement allies*, i.e., they are allies of, rather than a party to, movement groups. To consider them a movement is to misunderstand and obscure their core features. The thesis is motivated by three research questions. i) What role do civil rights groups play in the domain of social movement politics in India? ii) How is civil rights activism practiced and what are its key aspects? iii) How does the presence of movement allies refine our understanding of democratic politics in India?

The sphere of social movement politics comprises multiple actors that work alongside or against movement groups. These could be support or legal aid groups, alternative media platforms and local adversarial groups. The role of these multiple actors needs to be studied so that the sphere of movement politics is not seen through the bi-partisan lens of movement versus the state. Having established the need to examine civil rights groups as an instance of movement allies, the thesis examines their key aspects and practices. It examines the composition and political motivations of the first-generation civil rights activists, the location of civil rights activism vis-à-vis the party-political space, the practice of fact-finding within the tactical repertoire of civil rights activism, the debates within civil rights groups as well as the dilemmas faced by them, and the civic identity of “concerned citizens” that was foregrounded by these groups. The thesis argues that ally activism undertaken by these groups was an episode in the postcolonial Indian history of ethical self-conduct in politics or public affairs. This urge for ethical self-conduct led a section of the progressive middle classes in the 1970s to engage in ally activism, which produced mixed results for the domain of movement politics. Given that there is no book-length work on civil rights activism, nor a work of any length that relies, methodologically, on interview narratives of civil rights activists, the thesis makes an empirical contribution to the study of civil society-based activism in Indian politics. More significantly, the thesis makes a theoretical contribution to the scholarship on social movement politics in India by developing the lens of ally activism to understand and analyse a specific form of collective action.

Abbreviations

AAGSP	All Assam Gana Sangram Parishad
AASU	All Assam Students Union
ACLU	American Civil Liberties Union
AFSPA	Armed Forces (Special Powers) Act
AICC	All India Congress Committee
APCLC	Andhra Pradesh Civil Liberties Committee
APDR	Association for Protection of Democratic Rights
BLD	Bharatiya Lok Dal
CDRO	Coordination of Democratic Rights Organisations
CFD	Citizens for Democracy
CID	Crime Investigation Department
CLC	Civil Liberties Committee
CPDR	Committee for Protection of Democratic Rights
CPI	Communist Party of India
CPI(ML)	Communist Party of India (Marxist-Leninist)
CPI(ML)PCC	Communist Party of India (Marxist-Leninist) Provisional Central Committee
CRPF	Central Reserved Police Force
CSDS	Centre for the Study of Developing Societies
CSP	Congress Socialist Party
CYSV	Chhatra Yuva Sangharsh Vahini
DIR	Defence of India Rules
DMK	Dravida Munnetra Kazhagam
DVC	Damodar Valley Corporation
FCRA	Foreign Contribution (Regulations) Act

FDC	Forest Development Corporation
IB	Intelligence Bureau
ICLU	Indian Civil Liberties Union
INC	Indian National Congress
IPHRC	Indian Peoples' Human Rights Commission
IPHRT	Indian Peoples' Human Rights Tribunal
MCC	Maoist Communist Centre
MCD	Municipal Corporation of Delhi
MISA	Maintenance of Internal Security Act
MKSS	Mazdoor Kisan Sangharsh Samiti
NAACP	National Association for the Advancement of Coloured People
NCR	National Capital Region
NGO	Non-Governmental Organisation
NSA	National Security Act
OPDR	Organisation for the Protection of Democratic Rights
PDA	Preventive Detention Act
POTA	Prevention of Terrorism Act
PSP	Praja Socialist Party
PUCL	People's Union for Civil Liberties
PUCLDR	People's Union for Civil Liberties and Democratic Rights
PUDR	People's Union for Democratic Rights
RWA	Resident's Welfare Association
SSB	Shashastra Seema Bal
TADA	Terrorist and Disruptive Activities (Prevention) Act
UAPA	Unlawful Activities (Prevention) Act

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Introduction

Making Sense of Civil Rights Activism

Introduction

“Why don’t you join me tomorrow for a meeting at the Gandhi Peace Foundation and see our work for yourself?” This was N.D. Pancholi’s reply when I phoned him the very first time in August 2015 for an interview. Pancholi is a veteran civil rights activist who has had a long association with the People’s Union for Civil Liberties (PUCL), including as its president. When I visited the Gandhi Peace Foundation the next day, I found that the meeting was organised by various civil society groups to generate a plan of action for the forthcoming Bihar Legislative Assembly election in October 2015. Their focus was on exposing corruption in electoral practices and intensifying the dissemination of information among the electorate. I attended the meeting and then conducted the first of the three interview sessions I would eventually conduct with Pancholi. In due course, I realised that he was a quintessential representative of the key object of this study.

As our conversations progressed, I started becoming familiar with the details of his activist career. The trajectory of Pancholi’s activism dated back to his days as a young adult. To a question on what drove him to activism in the first place, he gave a reply that reminded me of the classic human tendency to present adversity as good fortune. He said he could carry out activism since he did not quite have a family. Activism for him was low-risk. “There was no control over me! My mother died when I was young, and my father was a hippie type person who had retired from the army due to an injury. I was on my own”.¹

¹ N.D. Pancholi, interview with author, August 18, 2015, New Delhi.

Over the next few decades, Pancholi saw both the personal costs and the rewards of his ‘low-risk’ choice. He was the secretary of his college union at Delhi University in 1962-63. In his first job at a goods transport company, he “developed sympathy” towards the workers who were not being paid minimum wages and became active with a trade union agitation against the company management. Unsurprisingly, he lost his job soon after. He started representing several cases of trade union disputes with managements in the Delhi High Court and was an active trade union leader in the 1970s. In that turbulent decade for Indian politics, which saw the imposition of the internal Emergency, he became a founder member of oppositional groups such as the Citizens for Democracy (CFD) and the PUCL. In 1985, a year after the controversial military action in Punjab, Operation Blue Star, he was arrested by the Delhi Police for participating in a fact-finding exercise and publishing its report.² (The report itself was banned, its copies seized by the police.)

In his 30 years as a lawyer and an activist, Pancholi has joined or supported various protest groups. He has provided legal representation, filed affidavits and Public Interest Litigations (PILs) on issues of custodial violence, cases of deportation, rights of political prisoners and labour laws. He had participated in independent fact-finding investigations on issues such as the involvement of police and local administration in riots, instances of police firings, cases of arrest or persecution of regional activists as well as in campaigns against death penalty, internal displacement induced by development projects and electoral corruption.

Through all these, the shared core feature of his activism was that he had stood in for, aided, or represented, someone else. The political impulse driving his activism was to assist those who were involved in various kinds of struggle against injustice. However, he was not exceptional in doing this; there were several other civil rights activists like him. We know of people like

² Sumit Mitra, “Rajiv Gandhi Government Cracks Down on Rights Group, Bans Controversial Report on Punjab,” *Indiatoday.in*, January 13, 2014, accessed June 17, 2018, <https://www.indiatoday.in/magazine/indiascope/story/19851015-rajiv-gandhi-govt-cracks-down-on-rights-group-bans-controversial-report-on-punjab-802064-2014-01-13>

Pancholi in contemporary India. We also know that movement groups often seek publicity and endorsement from influential voices to prevent their struggle from falling into obscurity. Yet, how do we refer to the form of collective action that Pancholi and activists like him undertook? Despite being ubiquitous and familiar, this form of collective action is not immediately analytically explicable. It was evident to me that Pancholi was a part of social movement politics in India. But were activists like him themselves part of *a social movement*? How do we make sense of the political role that he and other activists like him have played in the sphere of social movement politics? How old is this activism? How does it empirically function?

In postcolonial India, civil rights groups have been one of the most significant expressions of the calling to assist those involved in political struggles. Over the decades, these groups have assisted regional movements by providing them financial and legal aid, conducting fact-finding investigations on their behalf, and ensuring publicity in the national press for the persecution that they have faced. To explore the unfamiliar in what is ubiquitous, this thesis focuses on the historical constitution of civil rights groups and the form of politics they practice. It shows how these groups performed their self-chosen role of movement allies.

This thesis seeks to answer three key questions: i) What role do civil rights groups play in the domain of social movement politics in India? ii) How is civil rights activism conducted, and what are its key features? iii) How does the history and activism of civil rights groups refine our understanding of democratic politics in India?

Identifying the Object: A Brief History of Civil Rights Activism in India

The term *civil rights* is most prominently associated with the mass protest movement against racial segregation in the United States of America (hereafter the US) in the 1950s and 60s. In this thesis, however, civil rights activism refers to the collective action undertaken by a few organisations to

secure what in the Indian context are referred to as civil liberties and democratic rights, and, occasionally, human rights. The history of this activism goes back to colonial India when the Indian Civil Liberties Union (ICLU) was set up by the Indian National Congress in 1936. Eminent figures like Jawaharlal Nehru, the first Prime Minister of independent India, and the Nobel laureate Rabindranath Tagore played an active part in its establishment, with Tagore named its first president. The ICLU lobbied to secure political rights for Indians as British subjects. It demanded imperial citizenship³, the rights to form assembly and association as well as to organise collective action, and it protested the violations of fundamental liberties of Indians in British India.⁴ It campaigned against governmental action like the arrests of Congress leaders and workers or banning of Congress committees or volunteer groups.

The inspiration for the ICLU was the American Civil Liberties Union (ACLU).⁵ At its core, both the ACLU and the ICLU were driven by the need to secure individual liberties against undue interference by the state. The ACLU was founded in the US in 1920 by Roger Baldwin, the well-known author and pacifist. It raised issues like censorship, freedom of expression, right to association and obstructions in the due process of law. It sought to protect the liberties of press, speech and association from state encroachment. Its stated mission was to “defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States”.⁶ On similar lines, writing in 1936 on behalf of the Indian National Congress, Ram Manohar Lohia⁷ described the notion of civil liberties in these words:

³ The phrase “imperial citizenship” refers to the claims made by Indians to political rights and formal equality within, rather than against, the framework of the British Empire. The Queen’s Proclamation of 1858, which dissolved the East India Company and transferred the administration to the Crown, had made Indians subjects of the Crown. It became the basis for many British Indians to assert their political and formal rights as imperial citizens, especially since the early 20th century.

⁴ Munmun Jha, “Nehru and Civil Liberties in India,” *The International Journal of Human Rights* 7, no. 3 (2003).

⁵ Ibid.

⁶ “ACLU History,” [aclu.org](https://www.aclu.org/about/aclu-history), accessed April 5, 2018, <https://www.aclu.org/about/aclu-history>

⁷ Ram Manohar Lohia was an activist in the Indian anti-colonial movement, a member of the Congress, and a founder member of the Congress Socialist Party (est. 1936). His ideas influenced a number of socialist parties that emerged in postcolonial India.

The concept of civil liberties... defines state authority within clear limits. It assigns well-defined liberties to the people. The task of the state is to protect these liberties. But the states usually do not like the task and act contrarily. Armed with the concept of civil liberties the people develop an agitation to force the state to keep within clear and well-defined limits.⁸

After the independence in 1947, Nehru saw no relevance for such an organisation. Evidently, the party that had formed the government could not act as a check on the latter, and so the ICLU dissolved. In these circumstances, the issues of state violations were taken up by opposition parties. For instance, in 1948, the Communist Party of India (CPI) was banned in several Indian states, including West Bengal, and many of its party members were detained. In response to these acts, CPI members formed a Civil Liberties Committee (CLC). The CLC campaigned for the release of their comrades and attempted to create awareness on the abuse of civil liberties in India. Although there were a few such infrequent initiatives in the 1950s and the early- to mid-60s, regional civil rights groups appeared in a concerted manner only in the wake of the Naxalite movement of the late-1960s. For instance, the Association for the Protection of Democratic Rights (APDR) was established in Calcutta (Kolkata since 2001) in 1972 and the Andhra Pradesh Civil Liberties Committee (APCLC) was established in Andhra Pradesh in 1974.⁹ The members of the groups were urban, educated, middle class, salaried professionals (such as activists, lawyers and academics) who were sympathisers of the Naxalite movement. They protested police abuse, detentions and torture and arranged legal aid for arrested Naxalite prisoners.

The first national civil rights group was born in Delhi in the aftermath of a movement led by Jayaprakash Narayan (popularly known as JP). The movement protested increased persecution of leaders and protesters who opposed the corruption and authoritarianism of Indira Gandhi's

⁸ Ram Manohar Lohia, "The Concept of Civil Liberties," in *Human Rights and Peace: Ideas, Laws, Institutions, and Movements*, ed. Ujjwal Kumar Singh (New Delhi: Sage Publications, 2009), 210.

⁹ P.A. Sebastian, "The Shifting Modalities of Struggle - The Setting up of the Human Rights Tribunal," in *Expanding Governmental Lawlessness and Organized Struggles: Violations of Democratic Rights of Minorities, Women, Slum Dwellers, Press and Some Other Violations*, ed. A.R. Desai (Bombay: Popular Prakashan, 1991), 313.

government.¹⁰ In 1975, the imposition of the internal Emergency¹¹ gave a strong fillip to civil rights activism. A large number of journalists, politicians from the opposition parties and influential people within the public sphere were alarmed to see vital democratic institutions such as parliament, judiciary and the press become vulnerable to authoritarian forces. Many of them came together under the leadership of JP, V.M. Tarkunde and others to set up the People's Union for Civil Liberties and Democratic Rights (PUCLDR) in 1976.

In the establishment of the PUCLDR, seemingly, the legacy of the ICLU had been carried forward. Indeed, JP had also been a member of the ICLU. There is also a remarkable similarity in his visions of the role of the ICLU and the PUCLDR as organisations. In the mid-1930s, he had spoken to the Congress Socialist Party members about his vision of a civil liberties organisation in India. Referring to the excesses of the colonial police and administration, he said: “[M]ost of these acts would not have been committed if the public was a little vigilant and if there was some organisation, the task of which was to bring such acts to light and put up a fight against them, through the law courts, the legislature and the press”.¹² He was aware that such a platform would need to cause reputational damage to the British authority, and so he proposed that the group should consist “not of political workers but of leading jurists of the country, eminent publicists and journalists, women workers, social workers”.¹³ Evidently, his decision to set up the PUCLDR as well as the choice of the profile of the organisation mirrored his previous experience with the ICLU.

¹⁰ In 1974, a movement was initiated by students of Bihar under JP's leadership. Also known as the “JP Movement” or the “Movement for Total Revolution”, its mobilising issues were the corruption and misrule of the then Congress government and the authoritarian policies of Prime Minister Mrs. Indira Gandhi.

¹¹ One of the most controversial events of post-colonial Indian history, the internal Emergency refers to a period of 21 months from June 25, 1975 to March 21, 1977. It was declared under article 352 of the Constitution of India on the grounds of heightened ‘internal disturbance’ in the country. It led to suspension of several fundamental rights. See also f.n. 37, Chapter 1.

¹² George Mathew, “Jayaprakash Narayan and the Civil Liberties Movement,” in *Jayaprakash Narayan: A Centenary Volume*, ed. Sandip Das (New Delhi: Mittal Publications, 2005), 260.

¹³ Ibid.

JP found support in Tarkunde, one of his colleagues from the ICLU days of the 1930s. Besides being a judge of the Bombay High Court, Tarkunde was a life-long Royist, or a follower of the ideas of M.N. Roy.¹⁴ He had established the Indian Radical Humanist Association in 1969 and used to edit the journal *Radical Humanist* to promote Royist thought. He was the General Secretary of the Radical Democratic Party that M.N. Roy had established in the 1940s. In the early 1970s, when Tarkunde moved to Delhi, he and JP played leading roles in setting up the first civil rights groups in that city. Ideologically, these groups represented a convergence of the legacy of nationalist civil liberties activism in the anti-colonial movement, a Gandhian-socialist stream represented by JP, and a left legacy inspired by Roy's thought that was carried forward by Tarkunde.

As for the PUCLDR, its immediate tasks were to campaign for the restoration of rights that had been suspended during the Emergency, to demand punishment of the people responsible for excesses during the Emergency, and to build public opinion on the official misuse of constitutional provisions. It held conventions against the 42nd Amendment¹⁵ introduced during the Emergency, against press-censorship, and for the rights of political prisoners. However, the declaration of the end of Emergency period and the promise of elections produced a lull in this activism. The first non-Congress government led by the Janata Party came to power after the 1977 general election and several erstwhile opposition members now became part of the new government. JP himself played the role of a mentor to the Janata Party and many of his followers joined it. Except for a few active branches, the PUCLDR became practically defunct due to loss of members.

¹⁴ M.N. Roy (1887-1954) was an Indian intellectual and a political leader. He started his political career as a Marxist and later evolved a system of thought, a philosophy of revolution, that he referred to as Radical Humanism. Critical of both communism and parliamentary democracy, Radical Humanism presents the idea of a radical democracy that is highly decentralised and works through a network of people's committees.

¹⁵ The 42nd Amendment to the Constitution was enacted during the internal Emergency. One of its purposes was to reduce the powers of the Supreme Court of India to adjudicate over constitutional validity of the laws passed by Parliament. Some of the changes introduced by this Amendment were revoked by the Janata government that was formed after the Emergency.

It was in the context of Indira Gandhi's return to power in 1980 that attempts were made to revive the PUCLDR. At the same time, two sections emerged within the group. While one section of the activists believed that they should campaign on the rights that were already codified within the Constitution, the other, a more left-leaning section, used the term "democratic rights" to mark their support for movement demands that they thought ought to be granted, even if they were not already codified.¹⁶ Soon, a split emerged and two new groups—the People's Union for Civil Liberties (PUCL) and the People's Union for Democratic Rights (PUDR)—were formed. Splits on similar lines took place in civil rights groups elsewhere in India as well.¹⁷ Today, these groups continue to work separately but in close coordination with one another. For instance, in 2007, a shared platform called the Coordination of Democratic Rights Organisations (CDRO) was launched for various civil rights groups to come together and strengthen their voice as well as public presence.

Over the last four decades, civil rights groups have highlighted the persecution of regional movement groups or trade unions by local authorities or police. They have carried out investigative fact-finding and released reports to alter the terms in which movement issues are presented in the mainstream media. They have provided legal aid to the aggrieved members of various protesting groups and have pressured the government to respond to popular demands. They have also served to link local movement groups and the press with the government at the national capital.

State of the Field: Critical Reflections on the Studies of Civil Rights Activism

In this section, I review the scholarship on civil rights groups as well as on the larger domain of civil society in which they act. On the basis of this review, I show that civil right activism is

¹⁶ Nilanjan Dutta, "From Subject to Citizen: Towards a History of the Indian Civil Rights Movement," in *Changing Concepts of Rights and Justice in South Asia*, ed. Michael Anderson and Sumit Guha (New Delhi: Oxford University Press, 2000), 283.

¹⁷ Ajay Gudavarthy, *Politics of Post-Civil Society: Contemporary History of Political Movements in India* (Los Angeles: Sage, 2013), 44.

conceptually misrecognised as a social movement. I also suggest that this misrecognition may be attributed to the fact that civil rights activism is acutely understudied.

I. When Scholars are also Activists

The conceptual and analytical comprehension of civil rights activism in India is made difficult by a serious paucity of research on its nature and history. In a survey of the literature on social movements in India, Ghanshyam Shah wrote in 1990 that the historical account of civil rights activism is “sketchy and very brief” and a “rigorous analysis of the various phases” of this activism is overdue.¹⁸ Perhaps due to this paucity, Shah could include a chapter on the “Human Rights and Environmental Movements” only in the second edition of this survey, which was published in 2004. Indeed, civil rights activism did not attract the attention of the scholars working on social movements in India for a long time.¹⁹

Within the corpus of the limited scholarship, most articles or book chapters have been written by scholars who themselves have been activists. These include Rajni Kothari from the PUCL, Delhi; G. Haragopal and K. Balagopal from the APCLC, Andhra Pradesh; Nilanjan Dutta from the APDR, Kolkata; and Sumanta Banerjee, Manoranjan Mohanty, Aswini Ray, Uma Chakravarti and Ujjwal Singh from the PUDR, Delhi.²⁰ Their writings are invaluable as they allow us to understand the issues that mattered to activists as insiders and provide information that is not

¹⁸ Ghanshyam Shah, “Human Rights and Environmental Movements,” in *Social Movements in India: A Review of the Literature* (New Delhi: Sage Publications, 1990), 245-46.

¹⁹ Ajay Gudavarthy, “Human Rights Movement(s) in India: State, Civil Society and Beyond,” in *Human Rights and Peace: Ideas, Laws, Institutions and Movements*, ed. Ujjwal Kumar Singh (New Delhi: Sage Publications, 2009); M. Priyam, K. Menon, and M. Banerjee, “Human Rights Movement in India,” in *Human Rights, Gender and the Environment* (New Delhi: Pearson India, 2010); Gudavarthy, *Politics of Post-Civil Society*.

²⁰ Rajni Kothari, “Human Rights: A Movement in Search of a Theory,” in *Rethinking Human Rights: Challenges for Theory and Action*, ed. Smitu Kothari and Harsh Sethi (New Delhi: Lokayan, 1989); Rajni Kothari, “A Critical Look at the 25 Years of PUCL,” *PUCL Bulletin*, December (2001), accessed May 20, 2018, <http://www.pucl.org/reports/National/2001/25-years-rajni.htm>; G. Haragopal and K. Balagopal, “Civil Liberties Movement and the State in India,” in *People’s Rights: Social Movements and the State in the Third World*, eds. Manoranjan Mohanty, Partha N. Mukherji, and Olle Törnquist (New Delhi: Sage, 1998); Dutta, “From Subject to Citizen: Towards a History of the Indian Civil Rights Movement,”; Sumanta Banerjee, “Turning Our Ears to Discord: Response of the Democratic Rights Movement to the Question of Violence” in *Rethinking Human Rights*; Mohanty, Mukherji, and Törnquist, *People’s Rights*; Aswini K. Ray, “Civil Rights Movement and Social Struggle in India,” *Economic and Political Weekly* 21, no. 28 (1986); Uma Chakravarti, “Archiving Disquiet: Feminist Praxis and the Nation State,” in *Human Rights and Peace*; Randhir Singh, “Terrorism, State Terrorism and Democratic Rights,” in *Human Rights and Peace*.

available elsewhere in the public domain. Because these authors were also activists, the themes they chose to write on were shaped by their status as insiders as well as by the aims of their activism. Given the two roles that the authors of this body of work have played, this thesis considers it as both a secondary and a primary source. Its utility as a secondary source lies in its scholarly character. And it is a primary source because it allows access to first-hand information about civil rights activism, which is in need of interpretation.

The recurrent themes in these writings are the history of the civil rights groups (which I have used to put together the preceding section on their history), the achievements of their work, and the challenges faced by civil rights groups. An oft-repeated theme found in activist writings is the recollection of their sense of disappointment in the ability of existing political institutions to prevent authoritarian functioning of the government in the 1970s.²¹ Thus, both Kothari and A.R. Desai write about a sense of alarm at the failure of political parties, parliament and the judiciary to act as a check on executive powers. Harsh Sethi argues that this sense of disappointment was heightened as this period was also marked by an increase in poverty, inequality and unemployment in India. Desai argues that the political rights of the citizens had become vulnerable in the 1970s, which necessitated the birth of various protest groups to safeguard such rights. Activists often remember experiencing a shared need to rise up to the occasion. Uma Chakravarti and Nandita Haksar capture this sentiment in an introduction to their book on the anti-Sikh riots of 1984:

[W]e were becoming conscious of the fact that we were witnessing the unleashing of new political and social forces which were bound to have far-reaching consequences for our country... history was being made in our presence in a way in which we did not want it to be shaping or had ever conceived was possible.²²

²¹ Rajni Kothari, *State against Democracy: In Search of Humane Governance* (Delhi: Ajanta Publications, 1988); Desai, *Expanding Governmental Lawlessness and Organized Struggles: Violation of Democratic Rights of the Minorities, Women, Slum Dwellers, Press and Some Other Violations*.

²² Uma Chakravarti and Nandita Haksar, *The Delhi Riots: Three Days in the Life of a Nation* (New Delhi: Lancer International, 1987), 13.

A second set of activists have found the narrative of disappointment credulous. To them, the political developments of 1970s were a logical consequence of the stance adopted by the Indian state towards political opposition and dissent. For instance, Sumanta Banerjee argues that the possibility of authoritarianism in Indian politics was latent but discernible all along. He sees strong continuities between an oppressive colonial state and its postcolonial successor. Other activists make a similar argument about misplaced expectations from the left parties and governments in India. In the context of West Bengal, Nilanjan Dutta writes that the belief of his fellow activists that the left government would somehow be more tolerant of dissent than the Congress was rather naïve. This set of activists did acknowledge that the 1970s were marked by an intense political crisis in the country. Nevertheless, they claimed to have seen the run up to the crisis. We therefore see that two contrasting viewpoints had led two different sets of activists to become members of civil rights groups. This feature is examined in Chapter 1.

On the subject of achievements, Aswini Ray represents many of their opinions as he notes that civil rights activism in India has led to a heightened sensitivity towards state violations of rights. “The movement has contributed to stoke the fading political will within the democratic political process... with particular concern for the rights of the oppressed, the disadvantaged and the deprived”.²³ Several activists and scholars write that civil rights groups have been responsive to the issues faced by regional movement groups, that they work with sections of society otherwise neglected, and that they raise issues that are almost never taken up by political parties. As a researcher, I find the large parallel archive of state violations, cases of police torture, encounter killings and custodial deaths that civil rights groups have documented remarkable since one cannot hope to find such a documentation in the mainstream media.

A significant theme in activist writings relates to the challenges that they faced during their work. For Kothari, the central challenge was that of developing a praxis suitable to Indian

²³ Ray, “Civil Rights Movement and Social Struggle in India”.

conditions. The western practice of human rights activism was of limited utility as a model in this regard because it was based on “a philosophical given that social formations are homogenous and hence amenable to universal formulations of individual and community, liberty and democracy”.²⁴ In contrast, argued Kothari, societies like India were “highly diverse, plural and continental size”, in addition to being “predominantly rural”.²⁵ Kothari’s observation also reveals that he perceived constitutional rights in India to be more classically liberal and western than a slice of the scholarship has since come to argue. The ‘uniquely Indian’ challenges Kothari identified were compounded by the ones that are considered inherent to global human rights activism. For instance, the legal scholar and close observer of civil rights activism, Upendra Baxi, notes the irony of appealing to the state to recognise its own violence and the inevitability of working within the constitutionally-mandated realm that is both time-consuming and often destined to achieve limited success in the face of the absence of political will among political parties and the government.²⁶ Other challenges activists write about are concerns around the inefficacy of civil rights groups in maintaining their legitimacy and popularity.²⁷ They have struggled to share their concerns beyond their organisations to the larger activist community, the press and the public.

As is evident, the themes activists choose to write on are deeply influenced by their position and concern as participants. Their work lays out the history of this activism and makes available their experiences of having seen the activism unfold or witness it from the ringside. It is a valuable source of data that gives us a fuller, more rounded understanding of the context and motivations of civil rights activists. Yet, it leaves some of the fundamental analytical questions unanswered.

²⁴ Rajni Kothari, “Human Rights – A Movement in Search of a Theory,” in *Rethinking Human Rights: Challenges for Theory and Action*, 26.

²⁵ Ibid.

²⁶ Upendra Baxi, “The State and Human Rights Movement in India,” in *People’s Rights: Social Movements and the State in the Third World*, 349.

²⁷ Kothari and Sethi, *Rethinking Human Rights*.

II. Analytical Problems

a) *What is in a Name?*

Two analytical issues emerge in the literature on civil rights activism in India. The first relates to the multiple terms that are used to refer to it. Authors variously refer to it as *civil liberties* movement, *civil rights* movement, *democratic rights* movement and *human rights* movement. In 1986, Ray chose the title “Civil Rights Movement and the Social Struggle in India” for his piece on the subject.²⁸ About two decades later, he wrote another article, titled “Human Rights Movement in India”, but in its text he referred to the activism as “civil liberties and democratic rights movement in India”.²⁹ Writing in 1987, B.R. Rubin referred to it as “the civil liberties movement”. Baxi refers to it as “human rights activism” as well as “human rights movement”³⁰, while the latter term is also used by Ajay Gudavarthy.³¹

Evidently, any activism that has been carried out for four decades comprises a range of actors and groups with varying career spans who are also located in separate times and political contexts. From this perspective, the presence of different terms of reference for the activism would not be baffling. The activists I interviewed perhaps instinctively knew that the various terms referred to the same practice; they were not overly concerned with the terminological multiplicity. Nevertheless, I believe the issue of nomenclature diversity is important, but not because I favour the use of a single term to refer to this practice. The choice of the terms of reference that scholars make is a telling sign of the association they make with any given form of collective action. I wish to enquire into the reasons for the presence of this diversity of nomenclature. Given the under-researched nature of this activism, the presence of multiple terms of reference points to either a conceptual muddle or a disagreement.

²⁸ Ray, “Civil Rights Movement and Social Struggle in India”.

²⁹ Aswini K Ray, “Human Rights Movement in India: A Historical Perspective,” *Economic and Political Weekly* 38, no. 32 (2003).

³⁰ Upendra Baxi, *The Future of Human Rights* (New Delhi: Oxford University Press, 2012).

³¹ Gudavarthy, *Politics of Post-Civil Society*.

Of the four terms, “civil liberties” and “democratic rights” have been used to highlight the two main ideological perspectives—civil liberties and democratic rights—towards the notion of rights present within this activism. While the civil liberties perspective represents the commitment to defend the rights codified in the Indian Constitution, the democratic rights perspective represents the support for those incipient demands made by movement groups that are not yet codified and justiciable. The notion of civil liberties has been endorsed by liberal democrats and Gandhian-socialists. In contrast, the democratic rights perspective is ideologically left and finds the notion of civil liberties restrictive. In practice, however, the work and choices of the groups that adhere to these perspectives remain much more shared than their theoretical positions suggest. For instance, the practices of several regional units of the PUCL are virtually indistinguishable from those of the PUDR. The use of the terms civil liberties and democratic rights together, or either one of them individually, to refer to the groups’ collective activism merely points to the moment in their history when activists split to form two groups; it does not help us describe their politics in practice.

The resemblance between the terms “human rights” and “civil rights” can make civil rights activism appear similar to human rights activism. Yet, in terms of both theory and political context, the civil liberties or democratic rights tradition is vastly different from that of the human rights. Outlining the conceptual and contextual differences between civil liberties and human rights, Samuel Moyn writes that unlike human rights, civil liberties are normatively available only to citizens of a particular country and derive their authority from the constitution, executive or national law.³² He points out that the various traditions of civil liberties have drawn “their ideological authority and cultural premises from the nation-state. All these groups [the ACLU, the ICLU and the National Council for Civil Liberties] rooted their claims not in universal law but in

³² Samuel Moyn, “Humanity before Human Rights,” in *The Last Utopia: Human Rights in History* (Cambridge, Mass: Harvard University Press, 2010), 37.

allegedly deep national traditions of freedom”.³³ This is markedly different from the notion of human rights found in the Universal Declaration of Human Rights that was adopted well after a decade of the emergence of the ICLU in British India.

In light of these philosophical and historical differences, “human rights activism” appears an inappropriate term to refer to the collective action of the civil rights groups in India. Additionally, human rights activism is a catch-all term that clubs together the work of government institutions like the National Human Rights Commission, internationally-funded NGOs like the Human Rights Watch or the Amnesty International with voluntary, unpaid, self-funded groups like the PUCL or the PUDR. To refer to the civil liberties and democratic rights groups as human rights groups is to dislocate them from their ideological and historical roots as well as their immediate political context. Many of the civil rights activists from the organisations under study do not self-identify as human rights activist. In particular, those from the PUDR, were critical of the notion of human rights and considered it to be lacking any real political content. The late Marxist scholar Randhir Singh, whom many PUDR activists regarded as a mentor, writes about the de-politicisation of democratic rights inherent in an increased use of the term “human rights”. “[T]he concept of democratic rights or civil liberties is undergoing a certain de-politicisation these days. As history and politics is pushed out of it, what is emerging is a particular, abstracted and almost bloodless use of the term human rights”.³⁴

Singh and some others have believed that a depoliticised conception of human rights has allowed governments to put up the pretence of being part of a global concern about human rights but ignore the concrete political, historical and cultural contexts in which rights are violated in the country. Activists said that it was hypocritical of the Indian government to organise events and campaigns for human rights while refusing to re-examine extraordinary laws and other violations

³³ Ibid., 38.

³⁴ Singh, “Terrorism, State Terrorism and Democratic Rights,” 235.

of rights by the police and the paramilitary in conflict zones within the country. Some of them saw human rights groups or NGOs as part of the institutionalisation and professionalisation of movement politics that they did not subscribe to. Clearly, the use of the term “human rights activism” is incompatible with the ideological and historical roots of civil rights activism as well as with activist self-perception.

The multiplicity of terms— “civil liberties movement”, “democratic rights movement” and “human rights movement”—uncovers a struggle to capture the core aspect of this activism. While civil liberties and democratic rights refer to two political impulses within this activism, the term “human rights” is a misnomer. This thesis adopts the term “civil rights activism” as an abbreviated and integrated version that amalgamates the two political impulses.

b) Is Civil Rights Activism a Social Movement?

Most of the scholarship on civil rights activism in India refers to it as a social movement.³⁵ However, Baxi wonders if such a classification is appropriate: “The question we now confront is whether these practices [associated with civil rights activism] amount to a social movement...”³⁶ Baxi’s remark makes us ask if the classification of civil rights activism as a social movement helps us analytically comprehend its unique aspects. In this section, I explain why the frame of a social movement is analytically not productive.

An engagement with the issue of whether this activism amounts to a social movement depends on how one defines a social movement. In the literature on social movements in the Indian context, most scholars adopt a broad and capacious definition, one that includes a variety

³⁵ For a portrayal of civil rights activism as a social movement, see A.R. Desai, *Repression and Resistance in India: Violation of Democratic Rights of the Working Class, Rural Poor, Adivasis and Dalits* (London: Sangam, 1990); B.R. Rubin, “The Civil Liberties Movement in India: New Approaches to the State and Social Change,” *Asian Survey* 27, no. 3 (1987); Gudavarthy, *Politics of Post-Civil Society*; Mohanty, Mukherji, and Törnquist, *People’s Rights: Social Movements and the State in the Third World*; Ujjwal Kumar Singh, *Human Rights and Peace: Ideas, Laws, Institutions and Movements*, (New Delhi: Sage, 2009)

³⁶ Upendra Baxi, “Human Rights: Between Movements and Markets,” in *Global Social Movements* ed. Robin Cohen and Shirin Rai (London: Athlone Press, 2000).

of movement groups. This is in response to some earlier studies that tried to define, classify and circumscribe social movements narrowly. In the early 1970s, for instance, sociologist M.S.A. Rao classified movements according to their orientation towards change and the issues they focussed on. Rao's typology involved movements that were revolutionary, reformist, redemptive and alternative. Similarly, Shah classified movements in the four categories of revolt, rebellion, reform and revolution according to the kind of change they sought.³⁷ Both Rao and Shah revised their approaches subsequently due to the inability of these categories to capture the emergent and transformative character of social movements.

Making a case to define social movement capaciously, Mary Katzenstein, Smitu Kothari and Uday Mehta refer to it as a "collective action to effect change".³⁸ They write that part of defining it "in this broad encompassing way is to reveal rather than to obscure the diversity of political activism in India. All efforts at typology whether of a single movement or of social movement activism as a whole reveal the extraordinary range in political ideologies, strategies, locations and functions of collective actions within Indian society".³⁹ Therefore, contemporary research broadly categorises movements as old and new, with the 1970s acting as the dividing line.⁴⁰ It engages with questions like the role of social movements as political actors, the changing role of class politics within social movements, and the emergence of identity-based movements in the country. The term social movement has been used to describe any group that engages in deliberate collective action to promote change with varying degrees of organization, objectives,

³⁷ Ghanshyam Shah, *Protest Movements in Two Indian States: A Study of the Gujarat and Bihar Movements* (Delhi: Ajanta Publications, 1977).

³⁸ Mary Katzenstein, Smitu Kothari and Uday Mehta, "Social Movement Politics in India: Institutions, Interests, and Identities," in *The Success of India's Democracy* ed. Atul Kohli (Cambridge: Cambridge University Press, 2001), 246.

³⁹ *Ibid.*, 248.

⁴⁰ Gail Omvedt and other scholars adopted the idea of new social movements in the context of Indian politics to capture a shift from class-based politics to identity politics. Omvedt examined the anti-caste movement, the women's movement and environmental movements in India as instances of new social movements. To her, the defining characteristic of these movements was that they rejected the classical Marxist form of politics and brought in newer issues as well as newer groups within the ambit of struggle. See Gail Omvedt, *Reinventing Revolution: New Social Movements and the Socialist Tradition in India*, (London: M.E. Sharpe, 1993). See also Raka Ray and Mary Katzenstein, *Social Movements in India: Poverty, Power, and Politics*, (Lanham, MD: Rowman & Littlefield, 2005).

ideology, programme and leadership.⁴¹ In this capacious sense, it could be appropriate to refer to the collective action of civil liberties and democratic rights groups as a movement too.

At the same time, this leads to the reception of the practices of civil rights groups through a prism of sameness that conceals several of their unique and atypical features. For instance, the features of social movements, such as mass participation, that civil rights groups do not display are considered a weakness or a limitation of these groups. “Why are human rights groups not able to mobilise a large number of people against the violations? Why are these groups by and large confined to a small group of middle class?”, asks Shah in his survey.⁴² His questions rest on the assumption that civil rights groups constitute a movement that must engage and mobilise masses. But given that civil rights groups intended to expose the abuse of power by police and administration, their strategy has relied on the mobilisation of credibility and not of large numbers of people. Evidently, the frame of a social movement to understand their politics is misleading. It obfuscates some of the distinct and atypical attributes of civil rights activism rather than highlighting them.

I see four aspects of civil rights activism that conflict with its description as a social movement. Firstly, civil rights activism has cast its net wider than any other issue-based movement in India. The term “issue-based” leads to the assumption that movements are mobilised around either one issue or a set of closely-related issues. This is not the case with civil rights groups; they have engaged with a range of issues that are not always closely related. Consider the following statement from the PUDR website on the issues that the group has taken up over the years:

PUDR has raised the issues of *custodial rapes, deaths and torture*, consistently fought for the rights of marginalized *peasants* and *agricultural workers*, upheld *working class* rights

⁴¹ Outlining the key features of a social movement, Paul Wilkinson argues that it “must evince a certain degree of organization though this may range from a loose, informal or partial level of organization to the highly institutionalized and bureaucratized movement and the corporate group. A social movements’ commitment to change and the *raison d’être* of its organization are founded upon the conscious volition, normative commitment to a movement’s aims or beliefs, and active participation on the part of its followers and members”. See Paul Wilkinson, *Social Movement* (London: Pall Mall Press, 1971), 27.

⁴² Shah, “Human Rights and Environmental Movements,” in *Social Movements in India: A Review of the Literature*, 246.

across different sectors, campaigned for *gender equality* both at home and outside, opposed *caste oppression* and *communal violence* and articulated the rights and access of people and communities towards equitable resources. PUDR opposes bans and upholds the right to *freedom of speech, expression and association*. For almost two decades PUDR has demanded the repeal of *death penalty* and has actively taken up the rights of those who have been condemned to the death row. Along with these, it has actively campaigned against *anti-democratic legislations* such as TADA, POTA, UAPA, AFSPA and others, and has engaged itself in *legal defence* of civil liberties and democratic rights [Emphasis mine].⁴³

If we juxtapose this catalogue of issues with those of other issue-based movements in India, such as movements on land, for the right to information, against big dams, against corruption or for the environment, we find that civil rights groups have taken up a diversity of issues that is staggering. Clearly, they do not exhibit a feature that social movements in India do.

Secondly, civil rights groups have had a small membership and their politics has involved mobilising well-known and influential voices from civil society. In contrast, most contemporary social movements either are mass-based or aspire to become so. Social movement scholars as well as activists themselves expect—rightly so—that a movement must be mass-based for it to present any real challenge to the authorities. This has led scholars to claim that the absence of mass-participation in their activism is a limitation of civil rights groups. Instead of regarding it as a limitation at the outset, the thesis will examine the politics of civil rights activism on its own terms and understand the reasons why mass mobilisation has not been a feature of civil rights activism.

Thirdly, unlike any other movement group, the sphere of operation as well as the strategies chosen by civil rights groups remain firmly positioned within civil society and have had a stronger focus on lobbying and litigation. Civil rights groups have aspired to be a link between local groups, the press, the judiciary and the executive. If civil rights activism is indeed a ‘movement’, then why has it been so strongly legalist and judicial in character?

⁴³ “PUDR: About Us,” PUDR.org, accessed February 19, 2018, <http://pudr.org/content/about-us>.

Lastly, an important section of the membership in any social movement is the affected constituency, i.e., the people whose interests are directly affected by the demands the movement makes. Civil rights groups have been almost wholly comprised of people who are not directly affected but who become mobilised due to their concern for those who are. Members often speak on behalf of the aggrieved and their local leaders. Thus, the engagement of civil rights groups is often with a limited purpose and time-frame. Having assisted one group in their cause, civil rights groups move on to the next instance of state violation. The frame of a social movement assumes a presence of people who have a direct and material stake in the issues that the movement raises. This is largely not the case with civil rights groups. This overwhelmingly non-beneficiary membership within civil rights ‘movement’ needs to be analysed.

These four atypical characteristics—an engagement with a wider set of issues than most social movement groups, the lack of mass-participation in this activism, its legal and judicial nature, and its overwhelmingly non-beneficiary membership—lead to the central research problem of this thesis: the frame of social movement, used by scholars to understand the collective action of civil rights groups, does not fit with the features exhibited by such groups. It does not give us the lens to understand the political identity of civil rights groups, the role they have played vis-à-vis social movements, the dilemmas they encounter in their activism as well as their strategies. To enable a proper and richer grasp of this politics, the thesis proposes a new conceptual frame to view and analyse civil rights activism. I shall explore this frame below, but after a brief survey of the scholarship on the political sphere that civil rights groups occupy: civil society.

III. Civil Rights Groups in Civil Society, and the Debate on Democratisation

As groups that enjoy a certain degree of autonomy from the state, are associational in nature, have been formed voluntarily, and are located in a political sphere that is distinct from the market, the

state or the family, civil rights groups are a standard case of civil society-based groups in India.⁴⁴ Therefore, the second set of literature that I engage with pertains to the nature and evolution of civil society in India. The main themes in the debates on the subject have been, firstly, whether the concept of civil society is applicable to the Indian context and, secondly, whether or not a flourishing number of civil society groups should be considered agents of democratisation. In this section, I will examine these debates to understand the politics of civil rights groups in India.

While some scholars see the gradual evolution of a civil society space in contemporary India as an evidence of a strengthening democratic process, others see inherent dangers in an uncritical celebration of civil society. A normative equation of civil society with democratic values might deflect us from an enquiry into the actually existing values and systems that constitute the domain of civil society in India. Gurpreet Majahan, for instance, has raised concerns about equating civil society with a space for democratic opposition as there could well be majoritarian and undemocratic civil society groups.⁴⁵ Dipankar Gupta has argued that an increase in civil society organisations could potentially lead to a situation where the state is no longer expected to perform.⁴⁶ Pranab Bardhan argues that civil society-based groups campaign for rights that become a part of the hundreds of, often not implemented, rights or court injunctions. Often, these court injunctions do not amount to much and are repeatedly violated. He argues that the role of representative electoral process in Indian democracy is crucial and that cannot be replaced by civil society organisations.⁴⁷ Partha Chatterjee too finds civil society to be less relevant to democratic politics than what he identifies as political society.⁴⁸ Chatterjee describes civil society as a small,

⁴⁴ I understand civil society in the sense Michael Walzer defines it: “[T]he sphere of uncoerced human association between the individual and the state, in which people undertake collective action for normative and substantive purposes, relatively independent of government and the market”. See Michael Edwards, *The Oxford Handbook of Civil Society* (New York: Oxford University Press, 2013), 4.

⁴⁵ Gurpreet Mahajan, “Civil Society and Its Avatars: What Happened to Freedom and Democracy?,” *Economic and Political Weekly* 34, no. 20 (1999).

⁴⁶ Dipankar Gupta, “Civil Society in the Indian Context: Letting the State Off the Hook,” *Contemporary Sociology* 26, no. 3 (1997).

⁴⁷ Pranab Bardhan, “Our Self-Righteous Civil Society,” *Economic and Political Weekly* 46, no. 29 (2011).

⁴⁸ In a now well-known formulation, Partha Chatterjee makes a distinction between civil and political society in India. He argues that the former is the domain of modernisation and the latter of democratic politics. Several newer

formal sphere in Indian politics that operates on the values of constitutionalism, citizenship, legality, rights and the rule of law. He argues that for most Indians, democratic politics plays out in the much larger domain of political society.⁴⁹

The doubts that these authors raise about the role of the civil society space in democratisation are well-founded. Nevertheless, given the rapid multiplication of civil society-based organisations—relief and charity organisations, interest groups, faith-based groups, resident welfare associations, environmental groups and activist organisations—the question of democratisation needs to be addressed keeping specific kinds of groups in mind to understand the specific political and historical consequences their activism produced. If we look at the relationship between the state and civil rights groups in particular, we find the civil society space marked by an ongoing conflict between the two, which is played out in a long series of moves and counter-moves in which neither side sees lasting victory. Therefore, while it is true that the civil society space is not fully democratic, it cannot be denied that the ongoing conflict between some voluntary groups and the state has demonstrated a potential for democratisation.⁵⁰

A focus on civil rights groups also allows us to understand a facet of the relationship between the spaces of civil and political societies. Here, this thesis shares its perspective with Neera Chandhoke who sees the two domains as overlapping spaces.⁵¹ Civil rights activism in particular is an example of a politics that is firmly located within the sphere of civil society, but the sections of society that civil rights activists represent or act on behalf of are often not. In his study of civil rights groups, Ajay Gudavarthy too recognises the overlap between the civil and political society

groups in India claim entitlements in ways that contradict the conventions of civil society in form as well as in substance. Political society deploys not through democratic constitutional procedures but through agitation, lobbying and bargain. See Partha Chatterjee, *The Politics of the Governed: Reflections on Popular Politics in Most of the World* (New York: Columbia University Press, 2004)

⁴⁹ Ibid., 38-41.

⁵⁰ For more on this perspective, see John S. Dryzek, “Political Inclusion and the Dynamics of Democratization,” *The American Political Science Review* 90, no. 3 (1996).

⁵¹ Neera Chandhoke, “Civil Society in India,” in *The Oxford Handbook of Civil Society* ed. Michael Edwards (Oxford: Oxford University Press, 2011).

spheres within civil rights activism. But this leads him to wonder whether civil society, in representing the claims of political society, would still conceptually qualify as civil society. He argues that the attempt to bring the concerns of revolutionary left movements to the realm of constitutional politics cannot be understood as a politics that belongs to the realm of civil society. He argues that such practices of civil rights groups are better understood as inaugurating a “post-civil society politics”.⁵² Although his observations are insightful, Gudavarthy fails to acknowledge the expressed desire of civil rights groups to work in the sphere of civil society. Additionally, he sees a central integrated mode of politics in the sphere of civil society in India, which is in fact marked by multiple styles.

In an essay on the history of civil rights groups in India, G. Haragopal and K. Balagopal, activists from the APCLC, argue that in India the “formation of civil society itself is incomplete” and that civil rights groups could “explore this space and operate in it”.⁵³ Political scientist Sanjay Palshikar also observes this pragmatic attempt to use the instruments available within civil society politics to “incorporate parts of political society”. He writes:

The intellectual and organizational elements of the bourgeois society, as members of civil society, i.e., as activists, associations, groups and bodies of various sorts take up the issues of the marginal groups, and, using instruments available to them in the system, (or devising new ones, like public interest litigation) win a recognition of their rights. In doing so, they incorporate parts of ‘political society’ into bourgeois society.⁵⁴

Following Michael Foley and Bob Edwards, Niraja Gopal Jayal writes that there are at least two ways of looking at the space of civil society in India: one focusing on associational life, civic participation and service delivery, and another on civil society as a site of adversarial actors engaged in an ongoing conflict with the state. Within the latter, civil rights groups engage in a style of politics that is readily available to urban citizens and the elite to facilitate the demands of people

⁵² Gudavarthy, *The Politics of Post-Civil Society*, 36.

⁵³ Haragopal and Balagopal, “Civil Liberties Movement and the State in India,” 367.

⁵⁴ Sanjay Palshikar, “Civil Society: Alternatives and Differences,” *Indian Journal of Political Science* 63, nos. 2-3 (2002).

who may not belong to that realm. Their style of politics sheds light on the oppositional practices that actually exist within the domain of civil society.

Thus, this examination of the literature on civil rights activism in India reveals two issues. Firstly, that civil rights activism might not be a social movement but is nevertheless significantly connected to it. Secondly, the sphere of civil society and the tools it makes available have been used in different ways by various groups that operate within it. Thirdly, an examination of the history and conduct of civil rights activism opens up the study of the nature of the conflict between state and civil society groups. In order to address these issues, the thesis proposes a new conceptual framework to understand civil rights activism in the next section.

Before concluding this section, I wish to mention two concepts closely related to the notion of civil society that have been engaged with in specific chapters: the state and citizenship. Here, I provide a brief account of how the thesis engages with them to signal a more through engagement later in the thesis.

Given the central mandate of civil rights groups to protect the rights of citizens from state excesses, the postcolonial Indian state provided the direct context for their activism. The state, as it appears to the activists, has been analysed in multiple chapters of the thesis. Chapter 1 points to how the direct and local experiences of the state determined activist trajectories and outlook. Chapter 3 examines the attempt of activist groups to expose state abuse of power and violence. Chapter 4 examines the eventual split between the PUCL and the PUDR in part due to their different outlooks on the state. Chapter 5 looks at a model of citizenship foregrounded by civil rights groups in opposition to the one prescribed by the state.

However, the thesis does explicitly address the debates on the structure and the nature of the Indian state for two reasons. Firstly, this study makes an attempt to move away from a binarised ‘state vs movement’ accounts of activism. Instead, it seeks to magnify the sphere of social

movement politics to see the multiple actors present within it. Secondly, given the voluminous and rich nature of the scholarship on the nature and the structure of the Indian state, an engagement with it would have come at the expense of the focus of the thesis. At the same time, it is important to outline the theoretical point of view on the state that the thesis itself adopts as it examines civil rights activism.

The theoretical perspective on the state that the thesis endorses is found in Akhil Gupta and Aradhana Sharma's anthropology of the state.⁵⁵ Defining this perspective, Gupta and Sharma write:

We do not take the state as a given – a distinct, fixed and unitary entity that defines the terrain in which other institutions function. Rather, we seek to bring together the ideological and material aspects of state construction and understand how “the state” comes into being, how “it” is differentiated from other institutional forms and what effects this construction has on the operation and diffusion of power throughout society.⁵⁶

It examines the everyday manifestations of the state at the level of practice and how people imagine the state. A similar approach, though with a specific focus on state-society relationship, is found in the work of C.J. Fuller and Veronique Bénéï, which examines public actions or responses to specific political events, local state agencies and state policies.⁵⁷

As for the Indian state in particular, this thesis shares its perspective with Taylor Sherman et al, who examine how the Indian state was shaped during its transition from the colonial to the postcolonial periods. The continuities that characterised this transition became critical to the process of democratisation in India. Sherman et al write that, “whilst the state in South Asia was subject to considerable adjustment in the transition to independence, the rhetorical underpinnings of the postcolonial state were often not so novel, and in many cases, the state's *modus operandi*

⁵⁵ Aradhana Sharma and Akhil Gupta, *The Anthropology of the State: A Reader* (Oxford: Blackwell, 2006).

⁵⁶ “Introduction,” in *The Anthropology of the State: A Reader*, 8.

⁵⁷ C.J. Fuller and Véronique Bénéï, *The Everyday State and Society in Modern India* (London: Hurst, 2001).

did not change”.⁵⁸ They argue that the “discourses originating in development regimes, or the nationalist movements of the first half of the twentieth century, shaped not only the policies of independent governments, but also the demands that postcolonial citizens made of them”.⁵⁹ In India, as Ashis Nandy argues, this resulted in the state being accorded a central role in society as the “harbinger and the main instrument of social change”.⁶⁰ The state in India was thus seen in its idealised form “as an impartial, secular arbiter among different classes, ethnicities and interests”.⁶¹

Such an idealised image was clearly discernible in the narratives of at least one section of civil rights activists. For instance, the following lines written by Kothari in a passage from the 1985 report of the *Lokayan Bulletin* recount the presence of a sense of disillusionment and hopelessness because the state had “lost its élan”:

There are clear tendencies towards centralization and authoritarianism... an erosion of intermediate institutions... emergence of violence as the principle instrument of the state to settle disputes... The state has lost its élan... The many protests and struggles in sight are compelled to be limited to micro-spaces.⁶²

These representations of the state acquire even more relevance in times of an internal crisis such as one precipitated by the Naxalite movement and the internal Emergency of 1975.

The second concept that is closely tied to civil rights activism is the notion of citizenship. Activists foreground their civic identity as that of a “concerned citizen”. Increasingly in Indian politics, activist use of the notion of citizenship presents a challenge to the way in which various governments imagine and define a good citizen. I examine the scholarship on the ways in which citizenship is enacted in contemporary India, specifically within civil rights activism, in Chapter 5.

⁵⁸ Taylor C. Sherman, William Gould, and Sarah F.D. Ansari, *From Subjects to Citizens: Society and the Everyday State in India and Pakistan, 1947-1970* (Cambridge: Cambridge University Press, 2014), 3.

⁵⁹ Ibid.

⁶⁰ Ashis Nandy, “The State: The Fate of a Concept,” in *The Romance of the State and the Fate of Dissent in the Tropics* (New Delhi: Oxford University Press, 2003), 3.

⁶¹ Ibid.

⁶² Rajni Kothari, “Editorial,” *Lokayan Bulletin* 3, no. 6 (1985): 5-8.

Having flagged these two themes that are closely related to civil society-based politics, in the next section, I propose the conceptual frame of movement allies that enables a better understanding of civil rights activism than does the social movement frame.

A Different Conceptual Frame: Reimagining Civil Rights Groups as Movement Allies

Based on my fieldwork and an examination of the literature generated by civil rights groups, I argue that the collective action of civil rights groups is better understood through the frame of *ally activism*. Recasting civil rights groups as movement allies allows us a better comprehension of those unique aspects of this activism that the social movement frame obscures. A reference to being allies is not absent in the narrative of this activism, but it has remained eclipsed. Activists allude to themselves as allies both in the literature as well as in interview narratives, but neither they nor the scholars give this idea any analytical importance. In this section, I bring some evidence from the field to demonstrate the need to recast civil rights activism as an instance of ally activism. I then proceed to define the practice of ally activism and explore some analogous studies on the subject.

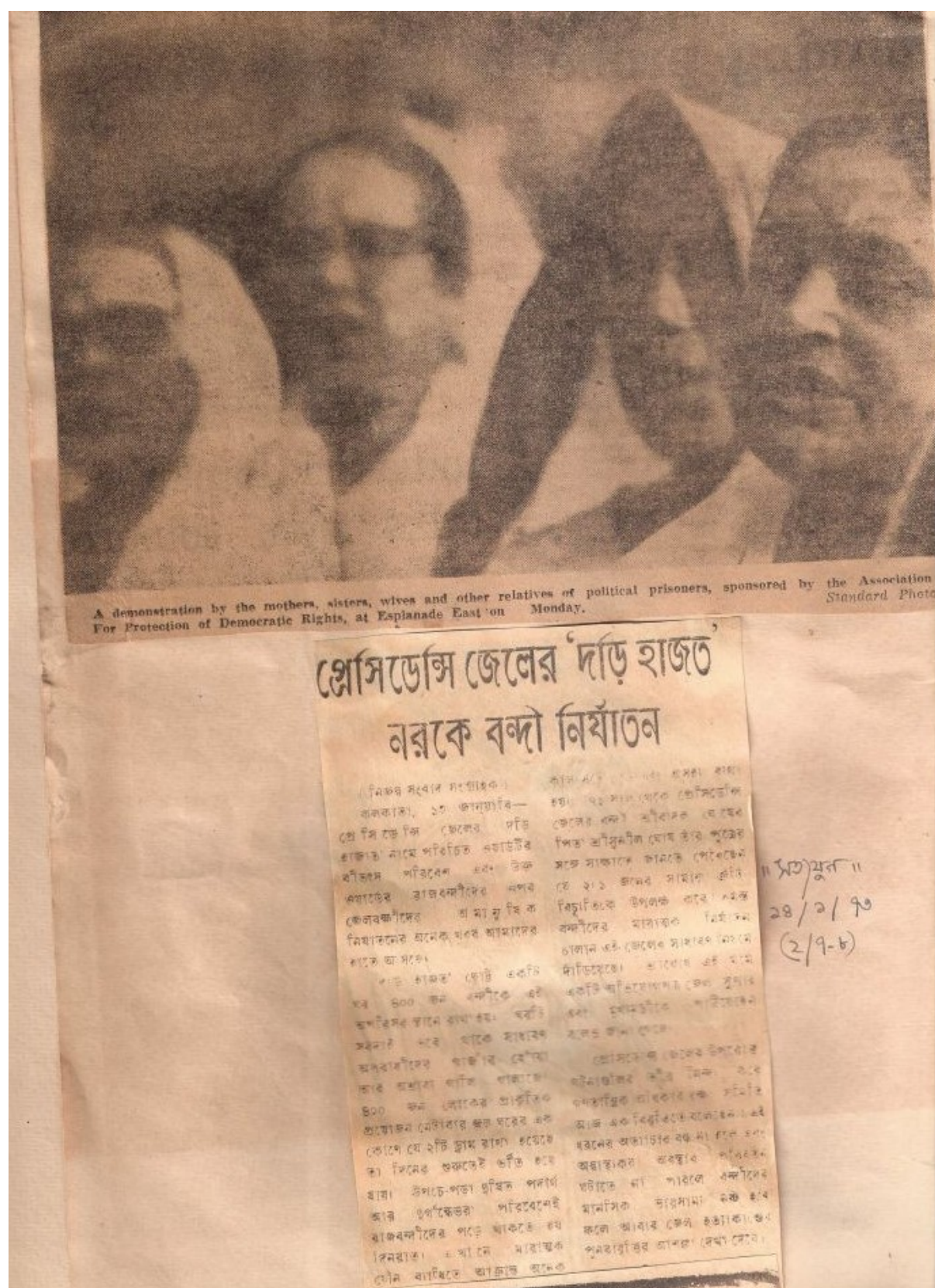


Figure 1. A picture and a news report of a 1973 APDR demonstration. Source: Subhas Ganguly

In 1973, the APDR organised a march in Calcutta in which it brought together female relatives (mothers, wives, sisters) of Naxalite political prisoners (see Figure 1).⁶³ Playing on an affective turf, it tried to draw people's attention to the plight of political prisoners and their families. It submitted a memorandum to the then Chief Minister S.S. Ray, titled "An Appeal to the Chief Minister of West Bengal *on Behalf of Mothers, Sisters, Wives and Other Relatives of Political Prisoners*" (emphasis mine), which asked the government to:

1... Declare all prisoners detained due to political reasons as political prisoners. 2. Withdraw all cases and all sentences passed on political prisoners and release them unconditionally. 3. Prosecute all administrative personnel connected with the incidents of physical violence and death of the political prisoners in the court of law.⁶⁴

In this instance, the APDR had intervened *on behalf* of the prisoners and their families. It was not the direct beneficiary group. The Communist Party of India (Marxist-Leninist) CPI(ML),⁶⁵ whose members were imprisoned, was against asking for a 'special' status of political prisoners for them. The APDR, then, was aiding members of a movement groups as well as their families. But it was not the only group that played this role. We find hints and allusions to this role in the documents of civil rights groups, in the interview narrative of activists as well as in scholarly accounts of this activism. Let us examine some of these references.

A 1979 report of the Delhi branch of the PUCLDR, titled "Six Parliaments and Democratic Rights", reveals how the civil rights group imagined its own role. Referring to its mission and activities, the document notes:

Wherever it could, it [the Delhi chapter of the PUCLDR] tried to investigate into cases of assault on democratic rights, whether it involved Muslims in Aligarh, peasants of Andhra Pradesh, Tribals of Bihar, workers of Faridabad, fishermen of Goa, students of Delhi or Indian immigrants abroad. However feeble its attempts have been, it has tried to safeguard the democratic rights of people and protested against the arbitrary actions of the authorities.⁶⁶

⁶³ Reproduced from the private collection of Subhash Ganguly, an activist with the APDR.

⁶⁴ Ibid.

⁶⁵ The CPI(ML) was formed in 1969 against the background of the emergence of the Naxalite movement. However, it soon split over minor doctrinal differences into dozens of smaller outfits.

⁶⁶ PUCLDR, "Six Parliaments and Democratic Rights," *People's Union for Civil Liberties and Democratic Rights* (Delhi 1979), 23.

This excerpt lists the groups that the PUCLDR had assisted: political prisoners, workers, women, tribal people, displaced sections of society, fishermen and marginalised caste groups etc. From the list, it is evident that the group imagined itself principally, if not exclusively, to be a political ally of various marginalised groups.

In one of its monthly bulletins published in 1981, the PUCL declared its intention to expand its activism to groups that it had not previously worked with:

It has been decided to extend our activities among people living in slums, organised and unorganised labour, unauthorised colonies of Delhi, residents of walled city, craftspeople, artisans and writers and finally students and teachers.⁶⁷

That declaration makes it clear that the ally role was a considered mandate that activists chose for themselves following organisational deliberations. Indeed, on behalf of movements and other groups mentioned in the excerpts above, both the PUCL and the PUDR have conducted investigative fact-finding, arranged legal aid, released press statements, followed up with government departments, organised protest demonstrations and publicised the issues at stake in the national press to amplify movement demands for national and global audiences.

I found allusions to this role in the interview narratives as well. Ashok Prasad, an active member and office-bearer of the PUDR in the 1980s, remembered the collective motivations of the group in taking up the issues of others. He said that many of the influential movements had already established means to amplify their concerns. Civil rights groups like his saw their activism to be of most value to those small, local movements and trade union groups that did not have a link with metropolitan locations and the national press. Groups such as the PUDR could be of better use to the relatively invisible local movements and groups. Prasad said:

We took up Marxist-Leninist movements, encounter killings, displaced people's movements, marginalised nationalities etc. The thing is that CITU [Centre for Indian

⁶⁷ PUCL, "Delhi Committees Set Up," *PUCL Bulletin* 1, no. 2 (1981): 2.

Trade Unions]⁶⁸ doesn't need us. It has a newspaper and links. One *Lal-Nishaan* party or some other small party will come to us because they do not have anyone else to highlight their issues. So, this is something we consciously realised, it's not that we didn't try to take up more mainstream issues. It's just that the more mainstream issues did not need us. We were a small organisation with limited resources. We are of most use to small groups who do not have anyone to raise their issues in Delhi.⁶⁹

Similarly, Ray, who joined some of the earliest fact-finding investigations with PUDR, spoke about the role that Delhi-based groups played in amplifying the concerns of regional groups:

The basic way in which we functioned was, whenever people from other areas came to invite us—Delhi obviously was our base—we thought we should go. Whenever someone invited us...any publicity in Delhi would help them and give them a certain political advantage if they were having problems. We thought we would help them just by collecting evidence. We had some networks in the newspapers also, the younger journalists would be willing to write about these issues.⁷⁰

Thus, a self-conscious mandate to represent the issues of various marginalised groups, defend their rights and provide them assistance was the primary part of the motivation of civil rights groups.

A close reading of the commentaries on civil rights groups also throws up implicit references to their role as allies. For instance, in his three-volume compilation of documents and articles generated by civil rights groups, A.R. Desai describes civil rights activists as “individuals, groups and organisations who were actively involved in the struggles carried out by different sections of the oppressed and exploited people in the country”.⁷¹ It is noteworthy that Desai sees activists to be involved in struggles that are being carried out by others and not in one of their own. Like the mission statements of civil rights groups mentioned above, he too lists the marginalised sections whom civil rights groups sought to assist:

Workers of formal and fast-expanding informal sectors, agricultural labourers, poor peasants and ruined artisans, Dalits and *adivasis*, ... women, ... pavement and slum dwellers, ... religious and other minorities, ... other professional and service sector groups, ... teachers, students and other categories of oppressed and exploited sections of Indian people.⁷²

⁶⁸ Centre of Indian Trade Unions (CITU) is a national trade union in India affiliated to the CPI(M). For more information, see <http://www.citucentre.org/>.

⁶⁹ Ashok Prasad and Rama Vasudevan, interview with author, November 18, 2015, New Delhi.

⁷⁰ Aswini Ray, interview with author, December 1, 2015, New Delhi.

⁷¹ A.R. Desai, *Violation of Democratic Rights in India* (Bombay: Popular Prakashan, 1986), xii.

⁷² Ibid.

All of the above-mentioned statements of intent by activists as well as descriptions of their work make for a compelling case to view civil rights groups as movement allies. They also show that movement groups are not stand-alone entities locked in a binarised struggle with the state. Movement politics has a whole ecology of actors consisting of adversaries, spokespersons, allies and mediators. Movements and allies mutually seek each other with different motivations: movement groups usually seek to expand their influence and make a bigger impact, and allies seek to support movements since they find political meaning, purpose, and self-worth in doing so. Allies see their work as an extension of their civic identity and political disposition.

Ally Activism within Social Movement Theory

Let us briefly outline the notion of ally activism as it is found within the tradition of social movement theory and examine a few accounts of ally activism from the western context to gain a comparative vantage point. Daniel Myers considers *movement allies* to be people who are movement adherents or sympathisers but are “not direct beneficiaries of the movement they support”.⁷³ They could be considered outsiders, in terms of identity, for the groups they work with.⁷⁴ They play the role of a facilitator for movement groups and work with or on behalf of protesting groups on specific issues. Allies could have various degrees of agreement with the aims or methods of the protesting group/movement. They almost always negotiate for themselves an insider-outsider identity and also retain a degree of autonomy. Myers sees movement membership to be comprised of “beneficiary activists” and “ally activists”, i.e., people who have a direct and material stake in the demands of the movement as well as those who support it without an immediate material stake.

⁷³ Daniel J. Myers, “Ally Identity: The Politically Gay,” in *Identity Work in Social Movements*, eds. Jo Reger, Daniel J. Myers, and Rachel L. Einwohner (Minneapolis: University of Minnesota Press, 2008), 168.

⁷⁴ Ibid.

The introduction of movement allies as a focus of study expands the cast of actors present in the dynamic that plays out between social movements and governments. Social movements might emerge as local phenomena, but they do not continue to operate in a stand-alone manner at the local level. They draw in allies, often comprising sections who are relatively privileged in education, profession and class. Additionally, it nuances the domain of social movement politics that is often presented as a binarised struggle between movement groups and the state. Dieter Rucht writes that it “is time to abandon the simplified image of a two-party struggle between a (unified) movement and its (unified) opposition”.⁷⁵ Such accounts often “pay less attention to other kinds of relationships, such as alliances with affinity groups, appeals to public bystanders or interaction with mediators”.⁷⁶ Seeing allies as different from the beneficiary section of the movement allows us to examine the role and motivations of allies as well as the negotiation of their relationship with the beneficiary population in ally politics.

This thesis borrows the notion of movement allies from Myers and Rucht, who are both sociologists and scholars of social movements. The notion has evolved in dialogue with the idea of “social movement society” as foregrounded by David Meyer and Sidney Tarrow.⁷⁷ A social movement society is one in which protest action has shifted from being sporadic occurrence to a routine mode of participation in politics, where protest action has been employed with greater frequency, and where protest groups have seen greater professionalisation and

⁷⁵ Dieter Rucht, “Movement Allies, Adversaries and Third Parties,” in *The Blackwell Companion to Social Movements* eds. David A. Snow, Sarah Anne Soule and Hanspeter Kriesi (Malden, MA: Blackwell Publishers, 2004), 197.

⁷⁶ Ibid.

⁷⁷ David S. Meyer and Sidney G. Tarrow, *The Social Movement Society: Contentious Politics for a New Century* (Lanham, MD: Rowman & Littlefield, 1998).

institutionalisation.⁷⁸ In the Indian context, the notion of social movement society was found by Mary Katzenstein, Smitu Kothari and Uday Mehta to have a “useful descriptive relevance”. At the same time, they argued that it leaves unanswered the question of “how exactly movements impinge on democratic institutions and define new democratic spaces”.⁷⁹ Addressing this gap, this thesis examines one of the ways in which “movements impinge on democratic institutions” by relying on allies like civil rights activists who are located within these institutions.

Civil rights groups bring the concern of various movement groups to the courts, the press and government. In examining their politics, the thesis builds upon the argument of Mary Katzenstein, who examines feminist politics within institutions like the church and the military in the US. She does not look at ally politics but argues that when movement politics is conducted inside institutions, it is not deradicalised or routinised—it simply runs a different path. Instead of looking at protest movements and institutionalisation as oppositional forces, we must recognise them, following Katzenstein, as different paths or styles of doing politics.⁸⁰ Indeed, as allies, civil rights groups brought some of the concerns of radical politics within institutional spaces and opened newer spaces of democratisation that were different from the ones created by movement groups themselves.

Of course, ally groups manifest differently in different specific modes. For instance, there are several accounts of white allies of the American civil rights movement. Doug McAdam’s

⁷⁸ The notion of a social movement society emerged as part of a major shift in the 1960s and 1970s in the conceptualisation of movement politics. A set of scholars—chiefly, Charles Tilly, Doug McAdam, Sidney Tarrow, John McCarthy and Mayer N. Zald—began to consider protest activity as well as the grievances that lead to them as persistent or routine features of social life and not a deviant behaviour. They began to focus on enabling or disabling features like the presence of resources as well as the ability of movement groups to mobilise people towards certain political goals. In its more political version, Tarrow, Tilly and McAdam argued that the success of a movement group was based on the political opportunities, i.e., whether the existing political structure was vulnerable to a challenge that could be mounted. See Steven M. Buechler, “The Strange Career of Strain and Breakdown Theories of Collective Action,” in *The Blackwell Companion to Social Movements*; Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (Cambridge: Cambridge University Press, 1998); Doug McAdam, Sidney G. Tarrow, and Charles Tilly, *Dynamics of Contention* (Cambridge: Cambridge University Press, 2001); David Meyer, “Protest and Political Opportunities,” *Annual Review of Sociology* 30 (2004).

⁷⁹ Katzenstein, Kothari and Mehta, “Social Movement Politics in India: Institutions Interests Identities,” 244.

⁸⁰ Mary Katzenstein, “Stepsisters: Feminist Movement Activism in Difference Institutional Spaces,” in *The Social Movement Society*, 195.

study of the Mississippi Summer Project—a volunteer campaign in the US launched in 1964 with the aim to register African-American voters in Mississippi—examines the dynamics between white allies and black activists.⁸¹ He writes that the presence of a large number of white allies in fact led to serious tension within the campaign as several black students found it paternalistic and insensitive.⁸² At the same time, it also led to the development of an activist subculture within a section of the white population that played a crucial role in the evolution of the civil rights movement in the 1960s.⁸³ The work of N.J. Demerath et al on the white allies of the civil rights movement examines the role of both initial idealism and eventual disillusionment of allies.⁸⁴ They write that white allies “helped greatly, in symbolic capacity. Not only did they provide lines of communication between the southern movement and the rest of the nation, but they also pricked the consciences of a new generation of students and prodded many into activism”.⁸⁵ They analyse the tensions between allies and beneficiaries over the rightful leadership within a movement organisation. Thus, scholars have commented on the intended and unintended consequences of the participation of allies in a social movement.

The question of the factors that lead some segments of society to take up ally activism has surfaced repeatedly in these studies. Factors such as inter-generational transmission of political values, personal contact, familiarity with the beneficiary segment of the movement, and a strong presence of altruistic behaviour are foregrounded as the main reasons that lead people to take up the role of allies. Here, the presence of a sense of altruism is not to be seen as a self-less act but a moment that allows living up to certain values⁸⁶ but as a self-affirmative and validating process for the allies. While the literature on ally activism in the US helps us understand some of its features,

⁸¹ Doug McAdam, *Freedom Summer* (Oxford: Oxford University Press, 1988).

⁸² Ibid., 123.

⁸³ Ibid., 117.

⁸⁴ N.J. Demerath, Gerald Marwell, and Michael T. Aiken, *Dynamics of Idealism: White Activists in a Black Movement*, (San Francisco: Jossey-Bass, 1971).

⁸⁵ Ibid., xvii.

⁸⁶ Viktor Gecas refers to such acts undertaken without material interest at stake as value-based activism. See Viktor Gecas, “Value Identities, Self-Motives and Social Movements,” in *Self, Identity, and Social Movements*, ed. Sheldon Stryker, Timothy J. Owens, and Robert W. White (Minneapolis: University of Minnesota Press, 2000).

it is important to remember a crucial difference between the allies in the two contexts. Unlike the white allies of civil rights movement, civil rights groups in India were not allies of a particular movement. Instead, they built temporary alliances with many movements.

A second kind of ally activism that bears some resemblance to civil rights activism in India is that of foreign or international human rights NGOs. Examples of these could include the ACLU, the National Association for the Advancement of Coloured People (NAACP)⁸⁷ or the Amnesty International, which provide legal aid and run campaigns on behalf of the marginalised sections of society. To gain a comparative vantage point, let us consider four features of the practices of contemporary global human rights activism as identified by Baxi.⁸⁸ Firstly, human rights activism has increasingly taken the associative form of an NGO. Secondly, activist practices globally have acquired a language of a moral, “even spiritual, regeneration through the creation of human rights cultures in which each and every human struggle will be converted into human rights struggle”.⁸⁹ Thirdly, a strong presence of romanticism, i.e., a “politics of hope and goodwill... which give NGO participants a sense of achievement disproportionate to ‘real’ life accomplishment”.⁹⁰ Lastly, resemblance of their work to those of large bureaucratic organisations.⁹¹

⁸⁷ Established in 1909, the NAACP is interracial American organization that has worked for abolition of segregation and discrimination and to implement the constitutional rights of African-Americans. See Martin N. Marger, “Social Movement Organizations and Response to Environmental Change: The NAACP, 1960-1973,” *Social Problems* 32, no. 1 (1984): 25.

⁸⁸ Baxi has the following types of organisations in mind: “Civil Society Organizations (CSOs), International non-governmental organizations (INGOs), Non-governmental Development Organizations (NGDOs), Environmental NGOs (ENGOS), Indigenous Peoples’ Human Rights NGOs (IPHR-NGOs), Women’s Rights as Human Rights NGOs (WHR-NGOs), Lesbian gay/bisexual/transgender NGOs (LSBT-NGOs), Child Rights NGOs (CRNGOs)”. See Upendra Baxi, “The Practices of ‘Contemporary’ Human Rights Activism,” in *The Future of Human Rights* (New Delhi: Oxford University Press, 2012), 75-76.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ To these could be added the transformation of the groups’ character. For instance, in the 1940s, the NAACP decided to transform from an interest group to a mass-based organisation. See Simon Topping, “Supporting Our Friends and Defeating Our Enemies: Militancy and Nonpartisanship in the NAACP, 1936-1948,” *The Journal of African American History* 89, no. 1 (2004): 17.

While global human rights activism bears an initial motivational similarity to the work done by Indian civil rights groups like the PUCL and the PUDR, there are considerable political and organisational differences between the two sets. As an organisational platform, the PUCL and the PUDR have not sought to professionalise themselves. They have not accepted any funding or kept any staff on payroll. In this respect, they have been different from both the white allies that joined the civil rights movement in the US and the professionalised international human rights NGOs. And thus, from the point of view of analysis, neither the white allies nor the international human rights NGOs are similar or equivalent to the groups under study here; they do not allow for an observation of parallel processes in the Indian setting.

My aim in this thesis is not to undertake a comparative study of civil rights groups in India and international human rights NGOs or advocacy groups. This thesis focuses on the dynamics of voluntary ally activism by civil rights groups in India and its implications for the study of social movements, civil society and Indian politics. In particular, the thesis raises a number of sub-questions, which become the basis of Chapters 1 to 5. These questions are as follows:

- i. Who were the first-generation civil rights activists? What personal, ideological and contextual factors led a certain section of people to launch civil rights groups?
- ii. What was the relationship that civil rights groups forged with political parties and the party system in India?
- iii. What role does investigative fact-finding play in civil rights activism? What are history and characteristics this practice?
- iv. How did movement allies negotiate their relationship with the groups they represented? What was the nature of the ideological and organisational debates among activists?
- v. What was the nature of the civic identity that activists foregrounded as “concerned citizens”?

The period covered in the thesis is from the 1960s to the 1980s. It involves the pre-history of this activism, its formal institutionalisation and its heyday. Since the 1990s, a break in the Congress rule (except for the Janata government interlude from 1977 to 1979) and the onset of economic reforms have altered the terrain of politics in India in substantial ways. Specifically, in the domain of activism, a large number of NGOs have emerged in this period to do advocacy for various groups. This period has seen an increased use of the human rights paradigm to raise issues of state violations of rights. The dynamics of these new forces and their impact on activism will make for an interesting but separate study. They remain beyond the scope of the present work.

Methodology

Since this research is an in-depth study of a specific genre of activism, its design involves a triangulation of qualitative methods. It combines the analysis of interview narratives and primary material collected during fieldwork with secondary sources and newspapers articles and reports. The main source material for the thesis was generated through in-depth, semi-structured interviews. These contain narratives and impressions of activists (not only of the most influential and published voices but also of the so-called rank-and-file) about their experience, intentions and evaluation of their participation. In the field of social movement studies, the value of participant interviews is well recognised. Donatella della Porta reminds us that interviews “are of fundamental importance in the study of motive, beliefs and attitudes as well as the identities and emotions of movement activists”, and provide information of aspects “on which few other sources are available”.⁹² In the case of civil rights activism in India, its under-researched status, a small membership base of civil rights groups, and a limited set of sources available in libraries and archives necessitated the use of interviews narratives as a source.

⁹² Donatella della Porta, “Social Movement Studies and Methodological Pluralism,” in *Methodological Practices in Social Movement Research*, ed. Donatella della Porta (Oxford: Oxford University Press, 2014), 14.

I conducted semi-structured personal interviews with 70 activists over eight months during 2015-16 and for two months in 2017 to generate data on the questions that the thesis raises. I focussed primarily on the two national organisations, the PUCL and the PUDR. While the PUDR is Delhi based, the PUCL has its head office in Delhi with branches all over the country. Delhi being the capital city as well as an urban centre, questions around civil society-based ally activism are best located in this field. At the same time, to understand the prehistory of the activism as well as to gain a comparative perspective from regional capital cities and urban centres, I also interviewed activists from the APDR in Kolkata and the CPDR in Mumbai and the APCLC in Hyderabad. The interviews were conducted at workplaces, homes, university campuses and organisational meeting venues. The thesis combines these interviews with other sources of data such as documents and archives (organisational pamphlets, annual reports, bulletins, press releases and reports of fact-finding teams) much of which was generously shared with me by the activists I interviewed. Published organisational material and past bulletins were collected from the PUCL office-cum-library in New Delhi. I also examined the collection of papers related to the civil liberties movement in India available at the manuscript section of the Nehru Memorial Museum and Library in New Delhi. These two kinds of primary material—the interviews and archival documents—were put alongside secondary sources, newspaper reports and social science scholarship on the subject. Finally, I also conducted participant observation by joining some of the contemporary campaigns, protests and organisational meetings of civil rights groups in various cities. I attended the weekly Saturday 3pm meetings of the PUDR as well as the events and the campaigns that were held during this period. Since the thesis is set in the period 1960s-1980s, I have not used the material generated through contemporary participant observation in this thesis. However, such participation helped me build rapport, informed my overall understanding of the working of civil rights groups, and provided a background to corroborate and understand much of what I was told in the interviews.

I draw inspiration from the scholarship that uses anthropological methods to study social movement groups in India. This corpus includes Ramachandra Guha's work on the history of the *Chipko*, an environmental protest movement in India;⁹³ Amrita Basu's work on the two kinds of political activism of women in West Bengal and Maharashtra;⁹⁴ Amita Baviskar's work on the Bhilala *adivasis* in the Narmada valley protesting displacement by the Sardar Sarovar Dam in Western India;⁹⁵ and Raka Ray's work on the political circumstances under which women's groups organise themselves in the two cities of Mumbai and Kolkata.⁹⁶ Each of these studies has been able to go beyond the self-representations of the movement groups by collecting interview data. They have opened the world of activist dilemmas, differences, and internal ideological debates. They have uncovered the processes of how activists make strategic choices and how movement groups align and position themselves. I borrow a similar methodological approach to analyse the nature and characteristics of civil rights groups as movement allies.

My interlocutors were self-conscious political activists. They had fought court cases, given interviews, addressed the media, and conducted events and protests. They knew that their work was significant and worthy of attention. Most of them had given some thought to how they presented their work as well as themselves. I came across a distinct desire among some of the activists that I document their stories. Others tried to assess if I was qualified to do this study and if I had done enough background research for the same. "Do you know of X?", "What do you know about our group?", "What do you know about the Emergency?", and "Have you read Y?" were some of the routine questions I was asked. Some even told me that my time would be better spent working as part of these organisations instead of analysing them!

⁹³ Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya*, (Berkeley: University of California Press, 2000).

⁹⁴ Amrita Basu, *Two Faces of Protest: Contrasting Modes of Women's Activism in India* (Berkeley: University of California Press, 1992).

⁹⁵ Amita Baviskar, *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley* (Delhi: Oxford University Press, 1995).

⁹⁶ Raka Ray, *Fields of Protest: Women's Movements in India*, (Minneapolis, Minn.: University of Minnesota Press, 1999).

The people I sought to interview were fairly mobile, middle class professionals. Unsurprisingly, several activists who were active in Delhi in the 1970s and 80s had moved to other cities in India. Instead of locating this research in a specific region, I decided to follow people who had been involved in the two main organisations I chose to study to the cities of their current residence. While the National Capital Region (NCR), including New Delhi, was my base, I travelled to Mumbai, Kolkata, Hyderabad and Goa for interviews. I chose the first set of informants from the academics in Delhi University who were active with either of these organizations. Because I was a fellow employee of that university, it was the most conducive space for me to build a rapport with them and gain access to other interviewees. I was mindful that this could result in interviewees only recommending like-minded people. I tried to correct this bias by trying to determine the class (where possible), age and gender component of the activists and chose members with various degrees of involvement within the groups.

The sample was determined through chain sampling or the snowball method. I asked each of my interviewees to suggest older or past members who could be relevant to this research. The goal of the sampling was to cover individuals who were relevant for the themes under study. While I mostly followed their schedules, I chose to start with the top, i.e., I chose older and senior activists and then approached others within the organisations. This gave me a sense of the chronology of the activism as well as legitimacy in the eyes of others in the organisations. I asked my informants questions about what motivated them to join the organisation, the quality of their participation, their perception and evaluation of civil rights activism, and the debates that took place within their organisations. The interviews typically lasted between 40 and 90 minutes.

It was crucial to be alert to issues of memory and recollection. People's memories are not perfect; it is easy to remember the more dramatic events instead of the routine and mundane ones. It is also easy to confuse dates and sequence of events. The nature of one's participation too changes in retrospective accounts of any activism. Like any other document, interview material

needs scrutiny and analysis. Therefore, I interpreted the interviews in conjunction with the information I had collected from newspapers, secondary literature and other activists.⁹⁷ I looked for interesting episodes, informative situations, thought-categories foregrounded and any element in the interviews that shed light on the research questions. Since the recordings were conversational, the data needed to be categorised thematically. These themes were sifted, compared and contrasted to look for patterns that emerged. Kim Rogers argues that one of the central challenges in interviewing any set of activists is that the “artefact of the self that is produced in the narrative is the activist’s own monument to a personal struggle against power. Interpretation by others will almost invariably contradict the essence of an actor’s vision of himself/herself as a maker of history”.⁹⁸ As an interpreter, I might invariably alter the intended meaning of the narrators and their personal objectives. Nevertheless, I hope they do not find it too far removed from issues that matter to them.

Positionality and Ethics

Studying a group that works closely with social movements or oppositional groups in India demands a special engagement with the ethical dimensions of research. My first concern, following Stefania Milan, was that my research might bring the activities of civil rights groups into spotlight and disclose some of their internal dynamics.⁹⁹ This could then potentially be put to non-academic uses, rendering these groups vulnerable. I have been careful not to jeopardise the activists, particularly those who might not be influential or bearers of specific kinds of cultural capital in

⁹⁷ David A. and Danny Trom Snow, “The Case Study and the Study of Social Movements,” in *Methods of Social Movement Research*, ed. Bert Klandermans and Suzanne Staggenborg (Minneapolis: University of Minnesota Press, 2002).

⁹⁸ Kim Lacy Rogers, “Memory, Struggle, and Power: On Interviewing Political Activists,” *The Oral History Review* 15, no. 1 (1987): 169.

⁹⁹ Stefania Milan, “The Ethics of Social Movement Research,” in *Methodological Practices in Social Movement Research*, ed. Donatella della Porta (Oxford: Oxford University Press, 2014).

India. I have tried to avoid releasing any sensitive information that I gathered during the fieldwork and have protected the identity of any activists who wanted to remain anonymous.

A second issue was about the relevance of this work for the activists themselves and the potential ways in which they could feel rewarded for the time and labour they put in. As Kevin Gillan and Jenny Pickerill have pointed out, any researcher who collects valuable data through interviews wrestles with the desire to reciprocate or return the favour by contributing to organisational back office work and so on. At the same time, performing this work could come with a potential blurred vision and a compromised ability to think critically about the interview subjects.¹⁰⁰ I found myself wrestling with the question of how one could make the labour and time that the activists were investing in my research worthwhile for them. I could do this in a couple of small ways. Given the under-researched nature of civil rights activism, I met with many, particularly younger, activists who knew about their role and the immediate context but did not know much about the generation of civil rights activists who came before them and the political context of an earlier time. Meeting with me became an opportunity for them to map for themselves the larger political tradition that they were a part of and give them broader perspective on their own history. Two of my activist informants wanted to use this opportunity to work on their own memoirs. To enable this, we covered themes not of direct relevance to the research and I shared the recordings and transcripts of their interviews with them. I also assisted the PUDR with a translation into Hindi of one of their organisational reports.

The third aspect of fieldwork ethics was to ensure that I had an informed consent of my interviewees. The plan for fieldwork was approved by the Central Oxford Research Ethics Committee at the University of Oxford. As stated in the fieldwork proposal, I described the idea behind the research to each participant as well as the use to which it shall be put. I shared the basic

¹⁰⁰ Kevin Gillan and Jenny Pickerill, "The Difficult and Hopeful Ethics of Research on, and with, Social Movements," *Social Movement Studies* 11, no. 2 (2012).

details of my educational background as well as my contact details. Verbal consent was acquired from each participant before an interview was conducted or recorded. In many interactions, there was an off-the-record component that I found useful and revealing. Some activists were excited by a research that focussed on the history of civil rights activism and the work that they had carried out while others were sceptical about how they would be represented and the possible ways in which such a research could be used. There were activists who declined to meet me. Some cited logistical reasons, others said that they did not like drawing attention to themselves even on conditions of anonymity. Some hinted at an oft-repeated criticism of researchers by activists that researchers 'take advantage' of activists or become spokespersons of a movement or activism that they do not actually contribute to. I heard them out and shared the aims of this research with transparency and consistency. Over time, I saw lowered inhibitions among some of them.

Lastly, in terms of my position, as someone whose field site was also home, I was an insider-outsider in two senses of the term. As a student who has been trained not only to hone one's academic skills but also to think critically and retain a sense of social responsibility, I have sympathy for the issues that civil rights groups have raised within Indian democracy. Over the years as a student at Delhi University and then at Jawaharlal Nehru University (JNU), I have seen and attended events that were organised by civil rights groups in Delhi. A few activists interviewed for this study are also my senior colleagues at Delhi University and JNU. At the same time, I have not been involved directly or indirectly in civil rights activism and I am not a member of any civil rights group in India. I am an insider in so far as I share many of the political positions these groups have taken and have signed petitions initiated by civil rights groups. Yet, I am an outsider in never having been a part of them or worked with them. It goes without saying that being a member or a non-member does not make one a better or a worse researcher. But one's relationship with the groups does impact the kind of questions asked, assumptions made, and knowledge generated about civil rights activism. As an outsider, I ask certain fundamental questions about the

assumptions that activists make, take a broad view with the advantage of hindsight and notice patterns in their writings. The outsider status has allowed me to explore the motives, choices, political attitudes, identity and self-positioning of civil rights activists.

I was an insider-outsider in one other way too. As someone who has spent much of her adult life in Delhi, my field site was also my home turf. I had pre-existing networks in Delhi (though I do not have family there). Unlike classical anthropological fieldwork, my research was not undertaken in a confined local setting. I did not have the opportunity to spend time and slowly build rapport with the people I wanted to interview or observe. Therefore, I needed to rely on pre-existing networks to reach out to the activists and other facilitating people who in turn helped me reach their colleagues and past members of the organisations. It is possible that as a researcher, I was perceived to be associated with the activists who facilitated my initial access in the various cities I visited. Moving between personal networks is always tricky, and I did not possess enough information to notice or process its implications. In particular, the often-asked question— “Who else have you spoken to?”—was vexing as I knew it would determine how forthcoming an activist asking the question would be. Again, I was an insider in so far as I had pre-existing networks in the field and an outsider in that I knew next to nothing about the interpersonal dynamics of various activist groups or members. I tried to make the first contact either over phone or in person so that I could judge reactions to any names that I mentioned, and I always asked for permission to refer to people’s names if I planned to use them. At the same time my insider-outsider status in the field was also my main strength in conducting this research. As an insider, I had an understanding of the culture of civil rights groups and I could speak the same language and interact with activists with ease. As an outsider, I could ask elementary questions and explore background assumptions during the interviews.

Limitations

The choice of the research questions, methods, and the intellectual outlook adopted have imposed certain limitations on the project. Early in the fieldwork, I made the choice of collecting activist narratives instead of dividing my time interviewing other relevant groups who could have shed light on civil rights activism from a different and more critical vantage point. These could include not only police officials and the regional movement groups who sought assistance from civil rights groups in Delhi but also members of far-left political parties. I had the choice of dividing my time to obtain several small sets of interviews from different groups or focusing on conducting a large number of activist interviews. Necessitated partly due to the constraint of time, I chose to focus on the latter. This has resulted in a bias: most of the narratives are sympathetic accounts of the activism and represent a specific perspective on it. At the same time, this focus has allowed me to bring out the internal dynamics of this activism, its debates and its strategies.

A second choice I had to make was regarding the kind of interviews to conduct. To make this choice, I needed to decide if this would be a study about civil rights activists with a focus on their life histories, or about their activism with a focus on the campaigns that were undertaken in various decades. Since my focus was on understanding the nature and key features of civil rights groups and the role this activism had played in social movement politics, I have retained from the interviews the relevant biographical elements as well as the history of the activism without exclusively focussing on either.

Thirdly, as a micro study of civil society-based activism in Indian politics, this work involves an intensive analysis of a specific research object. Its findings have insights for a comparative study, but it does not undertake that task here. This is because I was wary of an exploration of macro-structural similarities or contrasts that gloss over very real political, economic and cultural rifts that separate regions. As a result, the thesis does not offer a comparison of civil rights groups in India and in other parts of the world. It also does not follow the possible

connections of Indian activists to the diasporic communities or international groups that are not tied to the nation-state. As a result, this study does not explicitly address what could be generalisable. Nevertheless, it provides an analytical framework to understand and examine other similar cases of activism.

The Argument in Brief and Chapter Outlines

This thesis raises three central questions: i) What role do civil rights groups play in the domain of social movement politics in India? ii) How is civil rights activism conducted, and what are its key features? iii) How does the history and activism of civil rights groups refine our understanding of democratic politics in India?

The first move the thesis makes is that it disaggregates the sphere of social movement politics to identify and acknowledge the role of multiple actors (support groups, legal aid groups, alternative media platforms or local adversarial groups) present in this sphere. Adopting a long-term historical analytic, it examines civil rights groups in their role as movement allies and not as another social movement. Through examinations of the key elements of this activism in specific chapters, the thesis makes a number of observations about the emergence and conduct of civil rights groups as movement allies in Indian politics. These are summarised below.

The first-generation ally activists were largely of communist, Gandhian-socialist or liberal democratic ideological orientation. They belonged to a section of the salaried professional middle classes who joined civil rights activism in the political context of the 1960s and 1970s. There was a growing disenchantment with electoral politics and political parties among them. And even though activists had an oppositional stance towards party politics, they did not disregard the sphere of party politics altogether. They located themselves in the space of civil society as a third party and maintained a complex and sustained relationship with political parties. They used legal and

constitutional channels to bring redress to, and amplify the concerns of, several regional movement groups. This was done in the form of investigative fact-finding teams to marshal evidence and generate knowledge about state violations of rights, or by filing PILs and providing legal aid etc. In doing so, they inaugurated the field of left-legalism in India, which entailed a turn to the law and the courts on behalf of the movements on the left. The relationship between civil rights groups and the movement groups they allied with was not seamless. There was a series of dynamic internal debates on their position on revolutionary violence as well as on their conception of rights. These debates enabled ally groups to cement the principles that they would follow in choosing with whom to ally. Lastly, civil rights activists foreground a distinct civic identity by presenting and identifying themselves as concerned citizens. Their political identity as concerned citizens was instrumental to their role as allies.

Overall, the thesis argues that ally activism undertaken by these groups was an episode in the postcolonial Indian history of ethical self-conduct in politics. The politics of this ethical self-conduct has been referred to as “virtuous” or “righteous politics” by Anand Pandian, Daud Ali, Erica Bornstein and Aradhana Sharma.¹⁰¹ It is visible in the languages of social reformers and ideologues, in the nationalist resistance to colonialism, and in the movements against corruption. For a section of the middle class, this ethical self-conduct manifested as ally activism that was enacted within the sphere of civil society. Civil rights activism influenced the subsequent character of civil society activism in India as well as the attitude of the government towards civil society groups in the decades ahead. It also demonstrated the ongoing conflict between the state and civil society groups in Indian democracy. These arguments are arrived at through the following constituent chapters:

¹⁰¹ Anand Pandian and Daud Ali, *Ethical Life in South Asia* (Oxford: Oxford University Press, 2011); Erica Bornstein and Aradhana Sharma, “The Righteous and the Rightful: The Technomoral Politics of NGOs, Social Movements, and the State in India,” *American Ethnologist* 43, no. 1 (2016).

Chapter 1, “The Emergence of Social Movement Allies: Trajectories of Participation in Civil Rights Activism”, traces the political motivations of first-generation civil rights activists in the two cities of Kolkata and New Delhi. In the Kolkata context, it focuses on the APDR activists who emerged against the backdrop of the Naxalite movement. In the Delhi context, it examines the activist experiences in relation to the period of the internal Emergency. Based on the interviews of several first-generation activists on the factors that drew them to activism, the chapter argues that in addition to family background and life-experiences, two factors were crucial in determining activist outlook and motivations. Firstly, the political culture of the two cities of Kolkata and Delhi, and secondly, a rise in public demands made on middle class intellectuals, by members of their own class and social background, to take on a leadership role in arresting the ‘deteriorating’ politics of the country.

Chapter 2, “Revisiting the Location of Civil Rights Activism”, extends the current understanding of the location of civil rights groups vis-à-vis the sphere of formal politics by exploring the relationship of these groups with parties and party politics. Several scholars have viewed the establishment of civil rights groups as part of the 1970s upsurge of various non-party political formations. These groups appeared, it has been argued, due to the failure of parties and party politics. The chapter draws attention to narratives of activists and the activities of civil rights groups that complicate both the ostensible identity of civil rights groups as “non-party political formations” well as the thesis that is used to explain their emergence alongside many other groups in the 1970s. It argues that civil rights groups are better understood as third-party rather than non-party groups.

Chapter 3, “Contesting Governmental Facts: Investigative Fact-Finding in Civil Rights Activism”, examines some of the earliest fact-finding reports produced by the two national civil rights groups, the PUCL and the PUDR. Fact-finding investigations have been frequently and consistently used by civil rights groups to investigate cases of extra-constitutional violence. Although similar in

procedure and form to official fact-finding missions set up by governments or international agencies such as the UN, these investigations are conducted voluntarily, are unofficial, and are set up on one-off bases. The chapter notes three core features of fact-finding reports and argues that the practice of fact-finding was a hybrid production of two contrarian ideological positions—of the left and the liberal legalist. As a result, fact-finding had a legal and juridical form but was left in its politics. It operated within the domain of constitutional politics while retaining an affinity with non-legalistic initiatives and movements on the left. It also inaugurated a distinct ally practice of left-legalism in Indian politics.

Chapter 4, “Politico-Ethical Debates in Civil Rights Activism”, analyses the impact of the debates that took place within and across civil rights groups on shaping their organisational identity. These debates occurred in the context of arriving at decisions about how civil rights groups would present themselves to the public, press, movement groups and fraternal organisations. In particular, two debates—on the use of violence by movement groups and on the way civil rights groups understood the notion of rights claims—came up repeatedly. These two debates precipitated moments in which civil rights groups split and others when they drew working boundaries to determine their engagement with movement groups. The chapter argues that the organisational identity of civil rights groups as allies was neither pre-given nor ideologically driven. Rather, it was worked out through the process of framing their responses to these debates.

Chapter 5, “Ally Activism and the Enactment of the idea of “Concerned Citizenship””, examines the civic ideal of concerned citizenship as a distinct intervention by civil rights groups in the practice of citizenship in contemporary India. This ideal created the ground for a specific kind of participation in movement politics and allowed a segment of the salaried, professional middle classes to become a stakeholder in conflicts that did not directly touch their lives. To unpack and understand better the political idiom of concerned citizenship as a civic ideal in movement politics, the chapter looks at the values it supports and the practices through which it manifested. The

chapter argues that the idiom of concerned citizenship had two dimensions: a horizontal one that addressed local movements and fellow citizens, and a vertical one that addressed the state. Together, they constituted a distinct mode of performing citizenship.

The Conclusion, “Trailblazers or Torchbearers?”, synthesises the main arguments made in the thesis. It shows how an examination of the nature and conduct of civil rights activism offers insights for our understanding of democratic politics in India. It also examines the significance of the desire for ethical self-conduct in politics that has informed civil rights activism in India. The chapter argues that this desire carries a strong legacy of anti-colonial politics and is present across the ideological spectrum, though in differently modelled forms. A recognition of this impulse within formal politics is well-acknowledged, but its operation within the realm of civil society and its possible influence in shaping the field of India’s civil society has not been acknowledged.

Before we proceed to Chapter 1, I want to share an anecdote that pertains to the question of this study’s novelty. Among my interviewees was Jasbir Singh, who was a member of the Socialist Party in the mid-1970s and who had protested against the excesses of the Indira Gandhi government. He was arrested two days before the Emergency was formally declared. He was beaten and brutally tortured in custody for days until he vomited blood. Since other activists had mentioned his story to me, I was cautious and asked the most open-ended questions so as not to overstep or be inadvertently insensitive. My first questions about the Emergency and civil rights activism, however, elicited a distressed and cutting reply: “What is the point of this? It’s the same story everywhere. It has been the same story for the last 50 years. It’s a story everyone knows. What is there to tell?”.¹⁰² Of course, he was right. At the same time, I hope the following chapters will demonstrate that it is never quite the ‘same old story’.

¹⁰² Jasbir Singh, interview with author, November 7, 2015, New Delhi.

Chapter 1

The Emergence of Social Movement Allies: Trajectories of Participation in Civil Rights Activism

Q: How did the idea of setting up civil liberties groups come about?

A: It was based on the realization that there were certain democratic rights available to the prisoners too. Therefore, taking a maximalist, revolutionist position is not really very wise, purely for pragmatic reasons. If the jail manual does allow you to get Anacin, cigarettes and medical help, then why not get it? Why say *jail ke taaley tootenge, saare communist chhootenge?* [Jail locks will be broken, and all communists will be freed]. This realization dawned upon many people, that the jail manual, the constitutional structure does allow you a certain leeway. So, then the idea arose that one should set up committees to fight for these rights, with [i.e., comprising] people who are not necessarily Naxalites.

- Dilip Simeon¹

Q: It took over twenty years for the seeds of civil liberties to revive. [Why?]

A: I think that the process of disillusionment with the intentions of the ruling elite was very gradual. Initially, and for a substantial period of time, it was felt that there were real possibilities of progress—economic progress and the removal of ignorance, improvement of education and so on. Consequently, other issues of civil liberties went into the background as far as the elite was concerned.

- V.M. Tarkunde²

Introduction

These two responses to essentially the same question, i.e., what were the factors that led to the emergence of civil rights activism, are representative of the contrasting motivations and political contexts behind the setting up of civil rights groups in India. The first, given in the context of the Naxalite movement, states that civil rights activism was undertaken “purely for pragmatic reasons”, i.e., with no particular faith in state institutions. It refers to the first appearance of activist groups in the form of pressure groups to lobby for the release of Naxalite political prisoners in the early 1970s. The second recounts the imposition of the Emergency and mentions a “gradual

¹ Dilip Simeon, interview with author, September 18, 2015, New Delhi.

² Smitu Kothari, “An Interview with V.M. Tarkunde,” in *Rethinking Human Rights*, ed. Smitu Kothari and Harsh Sethi (New Delhi: Lokayan, 1989).

disillusionment” with the nation-state, i.e., a loss of faith that had led to the formal establishment of the first national civil rights group in Delhi.

In the scholarship on civil rights activism, the context of its emergence is explored but the allied questions of who the first-generation civil rights activists were and what factors drew them to this activism have not been addressed. This chapter seeks to understand the factors that led a section of the professional middle class to join or establish civil rights groups in the two cities of Calcutta and Delhi, where such groups were first established. These groups were the APDR in Calcutta and the CFD and PUCLDR in Delhi. The APDR appeared in 1972 as a pressure group that worked for the release of political prisoners who were arrested as alleged Naxalites. It became institutionalised as a civil rights group after the internal Emergency was lifted. The CFD was established in 1974 and was followed in 1976 by the PUCLDR, the latter being the first formal national civil rights group.

Based on the activist recollection of their motivations and the context of their joining, the chapter argues that alongside family background and life-experiences, two factors were crucial in determining activist motivations and outlook. The first was the political cultures of the two cities. The prevailing political cultures and local experiences of the state led two distinct sections of people, who had contrasting motivations, towards civil rights activism. Of course, the chapter does not presume that any one dominant political culture can wholly occupy people’s consciousness; nor does it suggest the presence of a determining political culture in either of the two cities. Rather, it points to the political cultures as illustrative of two discernible political tendencies that converged to lead some people to civil rights activism. The second factor was the wider demand made on middle class intellectuals, in the late 1960s and the 70s, by members of their own class and social background, to take on a leadership role in the “deteriorating” politics of the country. The confluence of these factors—a pull experienced by a section of the middle class intelligentsia to get involved in contemporary politics, the need for a “tactical” turn to state institutions for

immediate redress and an experience of disappointment by a section of the middle classes who had faith in the potential of the nascent Indian state—shaped the composition and the mode of politics of civil rights groups. This confluence was discernible in the practice that these groups eventually came to adopt, which is explored in Chapter 3. However, to understand the composition and political outlook of first-generation civil rights activists, let us first consider the narratives that emerged from the interviews of APDR members, which I conducted in Kolkata.

‘Tactical’ Engagement with a Bourgeois State

The APDR had come into existence alongside several other organisations that were a part of the Bandi Mukti Andolan (Movement for the Release of Political Prisoners). These groups demanded the release of political prisoners as well as the withdrawal of the laws that were used to detain and arrest Naxalite prisoners.³ Since the 1950s, left sympathisers had seen extraordinary laws as legal measures meant to detain communists and stamp out legitimate opposition. The Preventive Detention Act (PDA), 1950 was used extensively in the context of the Telangana movement.⁴ The Defence of India Rules (DIR), 1962 and the Maintenance of Internal Security Act (MISA), 1971 were passed in the context of the Indo-China war and the Emergency. Unaccompanied by provisions that ensure police accountability, these laws gave extraordinary powers to the police to arrest and detain suspects. In the 1960s, the central political fault-line in Calcutta was the conflict between communist politics on the one hand and the law and order machinery deployed to combat it on the other. In the wake of the India-China war of 1962, many communist leaders were arrested.

³ To the best of my knowledge, there exists no comprehensive list of names or the number of organisations that were established for the release of political prisoners in the period. However, in addition to the APDR, activists in Kolkata mentioned the following names: The Legal Aid Committee, Democratic Lawyers Association, Prisoners Release Council, Bandi Mukti Committee, and the Bandi Mukti Ganadabi Committee.

⁴ The Telangana movement was mobilised in the early 1950s to demand an independent state of Telangana within the Indian Union. After a long and protracted political battle, the demand was met in 2014 and Telangana became the 29th state of the Indian Union. Throughout this period, there had been a significant communist participation in the movement, with several Naxalite leaders participating in the 1950s and 60s. See Sumantra Bose, “The Maoist Challenge,” in *Transforming India: Challenges to the World’s Largest Democracy* (Massachusetts: Harvard University Press, 2013).

In 1966, a general strike was called to raise the twin issues of food crisis—rise in the price of rice and scarcity of kerosene—and an increase in Calcutta tramway fare. Clashes with the police ensued, many people were killed in police firings, and almost 2000 people were arrested.⁵ In 1967, the Naxalite movement erupted, and even though the local rebellion at Naxalbari was suppressed, it reverberated strongly in Calcutta. The leadership of the Naxalite movement had decided that revolutionary war should not be limited to the rural areas. To contain the movement, a powerful anti-insurgency operation was launched by the government and large-scale arrests were made. According to a report by Amnesty International, in 1973, there were 15-20,000 political prisoners in the jails of West Bengal.⁶ The APDR and other such groups felt the need to lobby on behalf of the prisoners and made appeals to the executive and the judiciary. They also organised campaigns and protests to raise awareness on issues like the conditions of prisons, violations of prisoners' rights and police torture.

A substantial section of those who joined the Naxalite movement as well as those who became part of civil rights groups was urban middle class youth. The imprisoned Naxalites were considered to have fought on behalf of a class that was not their own. Rabindra Ray writes that several “prominent leaders of the other communist parties dismissed the Naxalites as romantics and adventurers”.⁷ He argues that many within the Bengali *bhadralok*⁸ were obsessed with the idea of the revolution; they felt a compelling desire to be radical and to be appreciated for having that political orientation. The intellectuals in particular were invested in the ideas and debates around left praxis and influenced by the figures of Mao, Che Guevara as well as events such as the Vietnam

⁵ Nilanjan Dutta, “Democratic Rights in West Bengal: Issues and Approaches,” in *Expanding Governmental Lawlessness and Organized Struggles: Violation of Democratic Rights of the Minorities, Women, Slum Dwellers, Press and Some Other Violations*, ed. A.R. Desai (Bombay: Popular Prakashan, 1991), 239.

⁶ The Research Department of Amnesty International, “Extracts from a Short Report on Detention Conditions in West Bengal Jails,” *Journal of Contemporary Asia* 4, no. 4 (1974).

⁷ Rabindra Ray, *The Naxalites and Their Ideology* (Delhi: Oxford University Press, 1992), 4.

⁸ *Bhadralok* is a Bengali term that means a gentleman or a well-mannered person. In sociological terms, *bhadralok* refers to a section of society composed of prosperous upper caste Bengalis who have gained pronounced social acceptance and respectability by virtue of their wealth, cultural capital and education. For a discussion of the relationship between the Bengali *bhadralok* and the Naxalite movement, see Chapter 3 in *ibid*.

War. Slogans like *Tomaar Naam, Aamar Naam, Vietnam, Vietnam* (“Vietnam is your name, Vietnam is my name”) were often heard on the streets of Calcutta. The respectability of left ideas within Bengali society was one of the reasons that so many of its radicalised youngsters carried the guilt of their own petty bourgeois backgrounds and opted to be part of the Naxalite movement. Those who came to join civil rights activism too were part of the same political milieu.

Histories and biographies of communist leaders from the region provide us with a sense of the prevalence of communist influence in Calcutta since the early twentieth century. As Suchetana Chattopadhyay’s work on the communist leader Muzzaffar Ahmad shows, a left public culture, and a communist print culture, were strongly reflected in the wider political context. There was a dialectical interplay between individual and the wider left political consciousness. She writes:

A radicalisation of political culture could be felt among the intelligentsia in various urban centres in the world. Calcutta was no exception. Many socially alienated, economically distressed and politically dissatisfied urban intellectuals stood at the crossroads of established and radical identity formations.⁹

Partha Chatterjee links this process of radicalisation within the Bengali middle class with long-term socio-economic changes in West Bengal. He argues that structural changes in land relations made zamindari and tenure-holding landed property unviable by the 1920s-30s. In a survey of the impact of changed land relations on class structure, he notes the presence, among others, of a “new middle-class intelligentsia formed principally out of the ranks of the declining rentier classes but playing an independent role of leadership in the political sphere”.¹⁰ This intelligentsia was urban in its culture and radicalised in its social outlook. Chatterjee writes that by the 1930s-40s there had begun “a process of general radicalisation of the middle-class ideology and culture in Bengal which, aided by the events following partition, was ultimately to become the dominant feature of

⁹ Suchetana Chattopadhyay, *An Early Communist: Muzaffar Ahmad in Calcutta, 1913-1929* (New Delhi: Tulika Books, 2011), 259.

¹⁰ Partha Chatterjee, *Bengal 1920-1947: The Land Question* (Calcutta: K.P. Bagchi, 1984), 177.

organized political life West Bengal”.¹¹ It was this class that provided leadership and cadre to various mass mobilisations after the independence.

Yet, the radicalisation of the middle class and the general respectability of left ideas in themselves do not explain why some chose to participate in the Naxalite movement while others chose to support the movement from the outside. One needs to also pay attention to the internal differences within the Naxalite movement and communist thought. Both Ray and Chattopadhyay look at the top leadership within the communist party to understand the political culture as well as the choices that people made in Kolkata. But as Amrita Basu argues in a review of Ray’s book, such histories often do not account for considerable criticism that many prominent rank-and-file members made of the movement leadership and its strategies.¹² Several of the first-generation civil rights activists I interviewed in Kolkata had come from a critical, non-leadership segment of the movement or were sympathetic outsiders. They had been strongly influenced by the city’s left political culture. They had been sympathetic to the ideology and acutely disturbed by the agrarian distress that had given rise to the movement. Nevertheless, they had disagreed with the party leadership, especially on conduct and practice. The most authentic representation of their political position would be that they allied with the movement’s aims even as they kept distance and retained their autonomy.

The activists I interviewed in Kolkata in 2015 were young adults in the late 1960s and early 1970s. Some of them said that they had been sympathetic to the Naxalite movement but had not participated in it. Others said they had left the movement due to disagreements with the leadership. Almost all of them said that they eventually came to disassociate with the CPI(ML) and other left parties. In terms of their ideas, political outlook and context, the first-generation civil rights activists in Calcutta were very similar to the non-rural section of the Naxalites. Yet, they had

¹¹ Ibid.

¹² Amrita Basu, “The Naxalites and Their Ideology (Book Review),” *The American Political Science Review* 84 (1990).

developed differences with the party leadership. Sanjay Mitra, who was a founder member of the APDR, remembered his differences with the CPI(ML):

I was in the breakaway group from CPI(M)... I had disagreement with CPI(ML) when it was to become a party. I was part of the Coordination [All India Coordination Committee of Communist Revolutionaries]¹³ but the moment it was to become a party, I had disagreements. Several political issues were still not resolved, for example, what is the principle contradiction? Our stand was that it is imperialism not feudalism. This was in disagreement with Charu da [Charu Majumdar]¹⁴. We were in support with the nationality question but Charu da did not see this as class struggle. I had other disagreements too.¹⁵

Despite these differences, activists like Mitra were distressed by the mounting state repression and wanted to build public opinion against it. They did not mind waging the struggle provisionally by lobbying with the government or by approaching the courts and the press.

When asked about what brought them to civil rights activism, they gave responses from which a distinctive pattern emerged. They said that they and their friends had joined the APDR for “tactical” reasons, i.e., to secure immediate relief for political prisoners and extract what they could from what they saw as a deeply flawed system. Here, the use of the term “tactical” in the political context of the Naxalite movement is itself revealing of the political culture activists inhabited. In Mao Tse-Tung’s military thought, the term “strategy” is used to refer to a long-term plan for guerrilla warfare that is accompanied by more flexible and short-term tactics. Tactics allow some time for the organisation to regroup and allow for some immediate relief. Strategies and tactics are used together to wear down the enemy. In the early 70s, Mitra and others saw their own move towards civil rights activism as more *pragmatic* than *programmatic*:

I thought my first priority was political prisoners... They haven’t done anything for personal gain. They have a political line. One can disagree with it [their politics] but

¹³ The All India Coordination Committee of Communist Revolutionaries (AICCCR) was a faction within the CPI(M). Established in 1967, it split in 1969 to become the CPI(ML).

¹⁴ Known as the father of the Naxalite movement, Charu Majumdar (1919-1972), had organised, along with Kanu Sanyal, the faction within the CPI(M) that eventually became the CPI(ML). His writings on the movement have become key ideological texts for radical Indian communists.

¹⁵ Sanjay Mitra, interview with author, January 11, 2016, Kolkata.

they need to be free... I originally thought of it as some kind of a tactic for the revolutionary.¹⁶

In most activist narratives from Kolkata, one can see the presence, in varying degrees, of a shared “pragmatic” need to engage in pressure group politics that ran parallel to the Naxalite movement.

Mitra had been a political prisoner himself; he came to civil rights activism after having served a period of detention. As per his own narrative, he had been involved in the Naxalite movement and was arrested in 1970 in a fabricated case of possessing explosives. The case was eventually dismissed due to lack of any evidence against him. He had seen prison conditions first-hand. After his release, he and other like-minded people came together to form the APDR in June 1972, and he became its Assistant Joint Secretary. Given the political distance that he had come to have with the CPI(ML), he had found a new way to live the politics and principles he believed in.

Mitra’s friend Subhas Ganguly’s political journey was similar, though he described it reluctantly:

Me and Sanjay da have a common background. We were not part of the mainstream [hinting at a separated faction of the Naxalites that disagreed with the leadership]. I have now questioned my earlier beliefs. I and the editor of *Frontier* etc. were in the same movement. We were in Presidency [College]. The students were very involved. My father got angry [with me] and I left the house. I was in jail for a very short time in 70s, for about 8 months. I don’t want to dwell on those days any longer.¹⁷

Faced with arrest, brief spells of detention and a period of being under-ground, activists had encountered state power directly. They wanted the APDR to expose and protest the abuse of law and torture of the prisoners in various jails of West Bengal. They thought that it was important to do what was possible to secure relief for their comrades. While Mitra and Ganguly had been detained and had witnessed prison conditions, some others who supported the APDR were

¹⁶ Ibid.

¹⁷ Subhas Ganguly, interview with author, January 12, 2016, Kolkata.

underground¹⁸ at the time. While being underground, they began to seek out and assist activist organisations that wanted to work for groups like the APDR. Debashish Bhattacharya, for instance, said that he had assisted the APDR by bringing to its notice the possible issues political prisoners struggled with. He told me:

You see, we were associated with the Naxalite movement. We were wanted by the police. [While] we were underground, some of our friends... were working over the ground. We asked them to work in the organisation. Our friends took the vital role as APDR prior to the Emergency. Those who could work openly were placed in the organization and we kept a liaison with APDR. We met them at dead of night.¹⁹

The position of APDR as politically autonomous yet allied to the Naxalite movement was also exemplified by the difference in the choice of their strategy as against the one chosen by the CPI(ML), whose members were imprisoned. The APDR were attempting to explore constitutional channels to secure them relief. But the CPI(ML) had instructed its cadre to not apply for bail if they got arrested since it did not believe in engaging with the institutions of a 'bourgeois state'. It preferred for them to organise jail-breaks and escape.²⁰ Ujjwal Singh quotes from a letter containing instructions from the party to their "comrades in jail", which illustrates the party's line on how its imprisoned members shall conduct themselves:

While in jail, the main point of our party's principle is that we will have to remain communists in jails... The jail authorities are representative of our class enemies and their keeping us confined is offensive against us... jail comrades will begin to come out – not on bail or acquittal by magistrates but through other methods, the methods by which revolutionaries came out from jails during civil war.²¹

Many of those who joined the APDR disagreed with the party's jail policy. Unlike the party, they believed that the issues of political prisoners, police firings and torture needed immediate public attention. Other activist groups also came up with similar tactics. A women's group, Nikhil

¹⁸ Going underground refers to the act of isolating oneself from society and remain in hiding to avoid being nabbed by the police.

¹⁹ Debashish Bhattacharya, interview with author, January 7, 2016, Kolkata.

²⁰ Ujjwal Singh, *Political Prisoners in India* (Delhi: Oxford University Press, 1998), 175.

²¹ As reproduced in *Ibid*, 227.

Bangla Mahila Samiti (All Bengal Women's Committee), interviewed several women prisoners at the Presidency Jail and published a report on the torture of women detainees.²² They wanted to mobilise public support and pressure the government to ensure that procedure was followed and also to secure welfare and release of political prisoners.

Mitra and Ganguly also mentioned an ex-freedom fighter who was a pivotal figure in the founding of the APDR. Sushil Banerjee, popularly known as *Dadu*, was over 70 years old at the time. He had spent about two decades of his life in jail as part of the anti-colonial movement. He inspired and motivated Mitra, Ganguly, Bharati and several others. Describing *Dadu's* role, Ganguly said:

If you read the dramas of Tagore, in many of his dramas there is a character called Thakur da. He is a representative of conscience. [In the same way] He [*Dadu*] pulled us all together. I do not exactly remember how I met him but he was the person who brought some of us together in APDR. He met Sanjay first. I know Sanjay because that was the moment of the 70s. I don't want to talk about that. We were, Sanjay, Me, Bharati, Kapil da, Dadu, regulars.²³

By drawing attention to *dadu* as the keeper of conscience, they were pointing to the important place of an authoritative, wise, older and experienced figure as they worked out ethical dilemmas about choosing a course of political action. Activists in Delhi, whom I examine in the next section, mentioned similar inspirational and authoritative figures who influenced their ideas of ethical political conduct. In *Dadu*, we see a Gandhian figure of moral authority with an active sense of public service and an apparent lack of self-interest, both of which make him a respected voice in society. The endorsement of such "respected" voices was intended to add credibility to the demands made by ally groups like the APDR.

²² This report has been referred to in a study on the conditions of the jails in West Bengal. See, The Research Department of Amnesty International, "Extracts from a Short Report on Detention Conditions in West Bengal Jails," *Journal of Contemporary Asia* 4, no.4 (1974).

²³ Subhas Ganguly, interview with author, January 12, 2016, Kolkata.

Writing about the history of *bhadralok* politics in West Bengal, Monobina Gupta observes that, “[T]housands of middle class students quit top educational institutions, jettisoned prospects of bright careers, to join the militant struggle. Misguided, flawed it may have been, but the defiance and courage of the bloody upsurge struck a tragic emotional chord”.²⁴ It was the presence of this emotional chord that allowed the APDR to enlist the support of several well-known voices who had credibility and standing in society. Its memorandums to the government were supported and signed by prominent film and theatre personalities and public intellectuals. Mitra had met and persuaded these people to support and join the APDR; he told me that they had received endorsements of their demands from people like Mrinal Sen,²⁵ Utpal Dutt,²⁶ and Bijoy Bose.²⁷ The APDR had sought to utilise the emotional support for the Naxalite movement present amongst the Calcutta *bhadralok*.

In its early years, the APDR compiled a booklet of incidents of police violence that were unlikely to appear in the mainstream press. These were instances of violations of law and procedure by the police, deaths in police firings, and encounter killings. Ganguly was given the charge of compiling a booklet titled *Bharitya Ganatanter Swarup (The Real Face of Indian Democracy)*. Just as the booklet was getting printed, the internal Emergency was imposed, the APDR was banned, and the press was raided by the police.

In its post-Emergency incarnation, the APDR broadened its aims and recast itself from a pressure group to a civil rights organisation with broadened aims. This was done partly because the composition of the organisation had changed. Both Mitra and Ganguly said that they were not actively involved in the activities of the APDR after the Emergency was lifted. A second-

²⁴ Monobina Gupta, *Left Politics in Bengal: Time Travels Among Bhadraklok Marxists* (New Delhi: Orient Blackswan, 2010), 15.

²⁵ A well-known filmmaker, Sen had been a recipient of several national and international awards, including the Padma Bhushan (the third highest civilian award in India).

²⁶ A well-known actor, filmmaker, writer and playwright. Winner of the National Film Award for best actor.

²⁷ A well-known writer and filmmaker. Winner of the National Film Award for best feature film.

generation of activists had taken centre-stage, and they allied with the cause not only of prisoners but also of several other groups such as students and slum-dwellers. Some first-generation members saw this as a diversion from the APDR's core concern. They had come to it in order to bring attention to police conduct and torture during the Naxalite movement. Since the involvement of some of the first-generation activists was primarily in relation to the Naxalite movement, it decreased as the movement waned.

The second-generation activists had not been personally affected but had witnessed the conflict described above. For instance, Nilanjan Dutta said that he had often witnessed instances of violence in Calcutta as a school student:

When we were growing up in Calcutta there was a widespread repression on the Naxalite movement. From every neighbourhood if not every family, someone or the other would be in jail, or would have been tortured or even killed... We were school students, from that time itself we had developed an opposition to the state's violation of democratic rights... We saw arrests, beating of people on the roads, in my area, there was so much repression, and people were killed and shot. It was practically under CRPF [Central Reserved Police Force] occupation.²⁸

He and others had seen the APDR and other groups campaign for Naxalite political prisoners. They joined it after the Emergency was lifted as APDR sought to expand its scope; they saw it transform from a pressure group into a civil rights organisation. Dutta recalled his joining the APDR in the late 70s:

The parliamentary elections [of 1977] were held two or three months before my final exam. I... became involved with elections. We didn't have any connections with any party, but we wanted to campaign against the Congress... The prisoner release campaign was big. Before that I had no contact with APDR, through this campaign, I got involved with APDR and took membership.²⁹

Some others had seen older members of their families involved in the campaigns for political prisoner release. They grew up witnessing this activism. Shujato Bhadra, for instance, remembered

²⁸ Nilanjan, Dutta, interview with author, January 8, 2016, Kolkata.

²⁹ Ibid.

that when he was a school-going boy, his house was a meeting place for those who were involved in campaigns for political prisoner release. He said that by doing civil rights activism, he had carried forward the legacy of Bandi Mukti Andolan:

My elder brother... was attached to the Naxalite movement. I have seen Naxalite people come and go into my house. I have seen and heard how many people were killed, during my school days... The release of political prisoner's committee office was in my house. I joined [APDR] because of my area, my circumstances, my atmosphere, my family and my elder brother, I joined during student days... From 1980 onwards.³⁰

The membership of the APDR comprised of activists who had left the Naxalite movement, those who were initiated into this activism by older nationalist figures, and those inspired by first-generation organisational gains. Activists belonging to all the three categories were strongly influenced by a revolutionary left political culture and the general respectability for left politics in Calcutta. The APDR gradually changed from a pressure group to an institutionalised civil rights group. Before the imposition of the Emergency, its activism was local and focused on a single issue. However, over time, it began to ally with various other movements, protest groups and trade unions. In its pre-Emergency pressure group avatar, the APDR represented one of the earliest attempts at carving out a space for ally activism between the government and a movement.

The narratives from Kolkata reveal that with the might of the state on display, activists who had revolutionary left sympathies discovered the limited but nevertheless useful constitutional rights and procedures available to them. They brought together left politics with liberal constitutionalism. They did not trust the democratic promise of the state and saw ally politics as tactical and temporary. But the mode of this politics stuck with civil rights groups. These narratives seem to confirm what Sudipta Kaviraj notes in the context of the Emergency a few years later:

The Emergency did not improve either the state's economic performance or administrative functioning... But it made some earlier detractors of 'bourgeois' democracy see its limited advantages - something that had not appeared clearly to some radical groups in thirty years when rights had been available became clear in thirteen

³⁰ Shujato Bhadra, interview with author, January 7, 2016, Kolkata.

months when these were denied. An ironical 'gain' of the Emergency years has been a greater appreciation of the value and vulnerability of bourgeois democracy, when no higher form seems to be in sight.³¹

The counter-insurgency operation against the Naxalite movement brought among its sympathisers a similar appreciation of the legal remedies that were available. A new kind of politics in the form of ally activism, that brought left politics to the domain of legal constitutionalism, had started taking shape.

From Disillusionment to Restoration

As the national capital, Delhi was the epicentre of the conflict between the central government and the opposition. In 1971, Mrs. Gandhi's popularity was high; she had won the elections with a good margin as well as a war with Pakistan that resulted in the creation of Bangladesh. She had begun centralising power in the office of the Prime Minister. Several of her policies were seen as direct attacks on the autonomy of various public offices. There were also concerns about the independence of the judiciary and growing protests over corruption in politics. The simultaneous emergence of the JP movement³² and the Navnirman Movement³³ had caught the national imagination and a country-wide resistance against the government had begun to take shape. By late 1974, JP had switched his attention from Bihar to Delhi to be closer to the seat of the

³¹ Sudipta Kaviraj, "A Critique of the Passive Revolution," in *State and Politics in India*, ed. Partha Chatterjee (Delhi: Oxford University Press, 1997), 79.

³² The JP movement, also known as the Bihar Movement or Sampoorana Kranti (Total Revolution), began as a student movement in Bihar in 1974 and gradually transformed into a larger anti-Indira opposition. The movement was marked by protests, closure of colleges and universities, processions and protests and state-wide strikes with a demand for resignation of corrupt ministers. See M.G. Devasahayam, *JP Movement, Emergency and India's Second Freedom* (New Delhi: Vitasta Publications, 2012).

³³ The Navnirman Movement emerged in 1974 in the Indian state of Gujarat. It targeted rising inflation and corruption among public servants. It had a significant influence on public opinion and succeeded in securing the resignation of Chief Minister Chimanbhai Patel. For more on the movement, see Ghanshyam Shah, *Protest Movements in Two Indian States: A Study of the Gujarat and Bihar Movements* (Delhi: Ajanta Publications, 1977).

government and had begun to project the opposition as a credible political alternative to the then government.

The JP movement took within its fold a large section of the middle class and the university campuses in the national capital. Uma Chakravarti, a senior member of the PUDR and former faculty at Delhi University, remembers the political climate of the university in the 60s and early 70s:

From the late 60s onwards, there was a thrust towards democratization in Delhi University and our students were involved in that. They were all touched by Naxalism in some ways... In those years the students' body was very volatile and active... there was also socialists and other... Navnirman Samiti movement, the JP *walas*. There was this strong anti-English agitation in the late 60s which was very militant and volatile. That's the first thing I saw in campus.³⁴

Alongside teachers and students in the national capital, the JP movement had brought in a significant numbers of the middle classes into politics: “painters, poets, playwrights, politicians, intellectuals and teachers came out on the streets”.³⁵ John Wood argues that though the JP movement was confined to a small section of the society, it acquired a significant moral force in its critique of governmental corruption.³⁶ In June 1975, the opposition received a strong boost from the Allahabad High Court as it declared Mrs. Gandhi guilty of electoral malpractice. She responded by declaring an internal Emergency in consultation with S.S. Ray, the Chief Minister of West Bengal and her close political ally within the Congress, who was seen to have successfully ‘dealt’ with the Naxalite movement. A drill was instituted soon after the declaration: midnight knocks, press censorship, arrest of members of the opposition and transfer of those arrested to prisons outside of Delhi. It created a sense of panic among the Delhi intelligentsia, activists, members of the press and the opposition leaders. With several party leaders, trade union activists

³⁴ Uma Chakravarti, interview with author, October 9, 2015, New Delhi.

³⁵ Narendra Panjwani, “Politicisation of Middle Class Youth,” *Economic and Political Weekly* 9, no. 38 (1974).

³⁶ John Wood, “Extra-Parliamentary Opposition in India: An Analysis of Populist Agitations in Gujarat and Bihar,” *Pacific Affairs* 48, no. 3 (1975).

and journalists detained, this was the first time the middle classes in Delhi saw deployment of state power up close.³⁷

Several activist interviews and writings reveal this sense of shock at the imposition of the Emergency. Veteran journalist Kuldip Nayar, who has been active with the CFD, referred me to the following passage from his autobiography when I asked him about his understanding of the Emergency:

If I were to identify a watershed moment in my life, I would say it was my detention during the Emergency when my innocence was assaulted. Although Partition compelled me to begin life afresh, I was then young and took whatever happened in my stride. The Emergency woke me up from a cocooned life I had led and obliged me to face the realities of politics, prejudice and punishment... The young boys interned in jail for no fault of theirs... it shook my conscience to the core, it lessened my faith in the system.³⁸

In a similar vein, Smitu Kothari and Harsh Sethi write that many in Delhi had begun to feel less assured about democratic rights and procedures that they had thought were in place and firmly secured:

It was only with the declaration of the state of Emergency in June 1975 that the fragile basis of even our constitutional rights was brought home to us. With fractions of the elite coming for the first time into the dragnet of a repressive state, it was the Emergency that made the concern and discussion of civil and human rights part of the mainstream public discourse.³⁹

The Emergency was a revealing political moment for the middle class intelligentsia. Aswini Ray writes that, “The Emergency, by its traumatic shock to a section of its urban middle class intelligentsia also underscored the built-in proclivities within the political system, and the pitfalls

³⁷ Popular accounts of the Emergency describe the process by which members of the opposition and media were arrested by the police by referring to it as the “midnight knock”. Leaders of the opposition and journalists would wake up to midnight knocks on their doors, which were followed by their arrest. Midnight knocks led to a widespread fear among the opposition that they could be targeted any moment, their houses could be raided, and they could be kept in custody indefinitely. For more on this, see Michael Henderson, *Experiment with Untruth: India Under Emergency* (Delhi: Macmillan, 1977) and Coomi Kapoor, *The Emergency: A Personal History* (Delhi: Penguin, 2015).

³⁸ Kuldip Nayar, *Beyond the Lines: An Autobiography* (New Delhi: Lotus Collection, 2012), 3.

³⁹ Smitu Kothari, “An Interview with V.M. Tarkunde,” in *Rethinking Human Rights*, 3.

endemic in any assumption of the durability of the democratic processes”.⁴⁰ Thus the Emergency alerted many in Delhi to the fragility of democracy. It was a moment that called for a collective political response.

It is important to note at this juncture that the outlook of activists in Kolkata and Delhi was shaped by how and when the state displayed its power in these cities. If activists in Kolkata reported that they did not trust the state in the early 1970s, it was largely because of their exposure to the brutal force of state power at that time. The government in West Bengal, with New Delhi’s support, had taken severe measures as part of its counter-insurgency operations. It had set up an “Empowered Group of Ministers”, passed the Unlawful Activities Prevention Act (UAPA), 1967, banned the CPI(ML) and all its factions, and constituted a Task Force with officers from the Intelligence Bureau (IB), Shashatra Seema Bal (SSB) and the Central Reserved Police Forces (CRPF). The Calcutta police were armed with the West Bengal (Prevention of Violent Activities) Act, 1970. Understandably, the activists in Kolkata described their act of joining civil rights groups in terms of a limited, cautious and “tactical” engagement with the state.

In contrast, many of the activists I interviewed in Delhi remembered feeling “disillusioned” during or just before the Emergency. This was because not until the Emergency had Delhi witnessed the display of state power that provincial India was often used to. The Delhi activists seemed to imply that they had believed in the democratic promise of independent India and had turned to civil rights activism having been disappointed with the government as the Emergency unfolded. They believed that civil society organisations would have to step in to restore a set of ethics to the process of governance and protect the autonomy of public institutions and the media. Thus, we find a contrast: while the Kolkata activists spoke of a tactical engagement with, but a

⁴⁰ Aswini K. Ray, “Civil Rights Movement and Social Struggle in India,” *Economic and Political Weekly* 21, no. 28 (1986): 1202.

general absence of any trust in, the state/government, those in Delhi said that they were drawn to activism because the trust that they had reposed in the state/government was belied.

While the activists in Kolkata had been exposed to a revolutionary left political culture, Delhi had a mix of liberal, Gandhian and socialist politics that we associate with figures like Nehru, JP, M.N. Roy and Ram Manohar Lohia. In the years leading up to the Emergency, many in Delhi saw the problem to be the absence of a parliamentary opposition that could be relied upon to keep the government in check. Unlike in Kolkata, in Delhi, members from the opposition political parties, like JP himself, were very active in setting up civil rights groups. Thus, the character of the left in Delhi was a broad and a more inclusive mix of liberal left, Gandhian Socialists and Royists.

The geographical proximity that Delhi had to other institutions that could serve as a check on executive power too played a role in determining the composition of the activists. The tension between the Supreme Court of India and Mrs. Gandhi in the 1970s had sensitised many lawyers in Delhi and motivated them to join civil rights groups. A series of judgements had led to a conflict between the executive and the judiciary on the issue of supremacy over the Constitution and independence of the judiciary.⁴¹ To tilt the balance to her side, Mrs. Gandhi tried to populate the Supreme Court with appointees who would seemingly rule in the government's favour. This conflict politicised a set of lawyers who joined civil rights groups to campaign for the independence of the judiciary and who also used their legal expertise to aid movements and groups that were protesting against the government.

Tarkunde himself was prompted towards civil rights activism by the attack on the judiciary by the government. He was a prominent lawyer and then a judge at the Bombay High Court. In

⁴¹ Strained relations between the Supreme Court of India and the government during Mrs. Gandhi's tenure as Prime Minister marked a contentious phase in the history of independent India's politics and governance. In her bid to undermine the judiciary, Mrs. Gandhi appointed and promoted judges loyal to her. She also sought to curb the Supreme Court's powers through legislative means. See Pratap Bhanu Mehta, "India's Judiciary: The Promise of Uncertainty," in *Public Institutions in India: Performance and Design*, ed. Devesh Kapur and Pratap Bhanu Mehta (New Delhi: Oxford University Press, 2005) and S.P. Sathe, *Judicial Activism in India* (Delhi: Oxford University Press, 2002).

the early 70s, he resigned the court and decided to work as a civil rights activist. He was distressed by Mrs. Gandhi's disregard for conventions of seniority within the judiciary and by her encouraging and rewarding of loyalty to the government. In an interview with Smitu Kothari, Tarkunde describes how he turned to civil rights activism:

I felt these were dangerous signals. Additionally, she [Indira Gandhi] was hostile to the judiciary—even earlier, she had threatened to supersede a judge of the Supreme Court and subsequently she superseded three judges... All this showed that we were moving into a dangerous situation and that is why in 1972, I resigned from my judgeship, as soon as my 12 years [the minimum period for getting a pension] were over... [and] resumed my independent political activities.⁴²

Tarkunde and his lawyer colleagues felt betrayed by the government and they decided to get involved in the political process to strengthen oppositional politics. The first group to provide a platform for this task was the CFD. Tarkunde and JP, who had worked in the Congress Socialist Party in the 1930s, took the lead in setting it up. Tarkunde recounts the establishment of the CFD in the same interview:

In Calcutta, I addressed a public meeting in 1972 and in consultation with my friends, decided to form an organisation on a non-party basis for the protection of democracy in the country. And it so happened that JP was thinking the same—he was also someone who was sensitive to political developments and who realised the danger of Mrs. Gandhi. It so happened that my speech was reported—so when JP came to Delhi... he called me—that was the first attempt to form a non-party movement for civil liberties and democratic rights. Citizens for Democracy was formed.⁴³

Thus, protecting the Constitution and the judiciary from governmental interference, instituting a check on governmental powers, and restoring conditions that facilitate free and fair parliamentary politics were the main motivations of several first-generation members. The political commentaries and speeches from the period recognise the governmental assault on democratic institutions and emphasise the need to resist it in an organised and civic-oriented manner.

⁴² Smitu Kothari, "An Interview with V.M. Tarkunde," in *Rethinking Human Rights*, 141-142.

⁴³ Ibid., 142.

Tarkunde, for instance, had been making calls to form an organisation since 1972. In an article titled “Indian Democracy and our Task”, he wrote:

There are many persons in the country who cherish the values of freedom and democracy... They feel helpless in their isolation. They should come together to defend and to strengthen democratic conventions and institutions. They should form an organization... It can strive to protect civil liberties and fundamental rights from any further encroachment.⁴⁴

The impulse to protect the Constitution from being abused by a corrupt government was a recurrent theme in the writing and speeches of the first-generation activists. Nivedita Menon notes a similar impulse in Vina Mazumdar, a pioneer of women’s studies in India and a leading figure of the Indian women’s movement. She also claims that, “A sense of responsibility to the nation-state and correspondingly the expectation of progressive transformation through it, [was] characteristic of the generation which came to age through the anti-imperialist struggle. This confidence began to unravel after the Emergency years”.⁴⁵ The presence of a similar impulse can be seen in the writings of K.G. Kannabiran.⁴⁶ While Kannabiran was mostly active in Andhra Pradesh, he was a founder member in the National Executive of the PUCL and had served as its president from 1995 to 2009. He had fought several cases on behalf of left political prisoners as a lawyer in the Andhra Pradesh High Court. Notwithstanding its flaws, he and several others saw the Constitution as a product of people’s struggle. They were led to activism because they saw the vision of the Constitution being undermined. He writes:

⁴⁴ V.M. Tarkunde, “Indian Democracy and Our Task,” in *For Freedom* (V.M. Tarkunde Felicitation Committee, 1984), 42.

⁴⁵ Nivedita Menon, *Recovering Subversion: Feminist Politics Beyond the Law* (Delhi: Permanent Black, 2004), 7.

⁴⁶ In addition to the roles mentioned above, Kannabiran (1929-2010) established, along with others, the Committee for Concerned Citizens to mediate between the government and the Maoist groups, and made talks between the two parties possible. He also played a key role in ensuring the release of seven I.A.S. officers who were held hostage by the People’s War Group in 1987. For more on his career, see <http://www.frontline.in/static/html/fl2802/stories/20110128280212000.htm> and <http://www.thehindu.com/news/national/civil-rights-activist-kannabiran-passes-away/article1018960.ece>, accessed May 18, 2018.

A constitution framed after a liberation struggle or a struggle for independence is, like poetry, emotion recollected in tranquillity. It is a severance from the past, a termination of imposed suzerainty.⁴⁷

This faith and the subsequent disillusionment in the 70s as they perceived a threat to this vision reflect the ways in which the post-colonial state was experienced by a generation of people. They saw the state in its idealised form. Ashis Nandy writes that a section of the activists believed in the potential of the nascent Indian state and thought that it was possible to restore it “through detailed monitoring of it by those politically active outside the state sector, in areas such as environment, peace, human rights, feminism, alternate science and technologies”.⁴⁸ Kannabiran wrote that the Indian constitution offered potential tools for activists to “operate insurgently” and resist the state:

These political cases, especially the Emergency, have made a big difference to my life. It was important to participate politically and operate insurgently. In order to preserve freedom and democracy, one has to fight from within.⁴⁹

Thus, while some saw revolution to be the way to bring a new social order, others saw the Constitution as an instrument to bring it about. Regardless of their differences, however, adherents of both views came together to do civil rights activism in the early 70s.

Similar to *Dadu* in Kolkata, Tarkunde was a towering, authoritative figure responsible for mentoring a generation of younger activists into civil rights activism. Several activists I interviewed said that Tarkunde had initiated them into Royist ideas, to the CFD, and later to the PUCLDR. N.D. Pancholi, for instance, said that he was strongly influenced by Tarkunde in the early 70s:

I was active in CFD almost since the beginning. It was first called ‘League of Democrats’ which was then converted into CFD. There was a committee that came together. First, I had met Tarkunde, he asked me to get involved into Radical Humanist Association and the Indian Renaissance Institute. They used to hold very good educational camps. M.N. Roy had started a culture of study camps. I started going to

⁴⁷ K.G. Kannabiran, *The Wages of Impunity: Power, Justice and Human Rights* (New Delhi: Orient Longman, 2004), 18.

⁴⁸ Ashis Nandy, *The Romance of the State and the Fate of Dissent in the Tropics* (New Delhi: Oxford University Press, 2003), 13.

⁴⁹ Kannabiran, *The Wages of Impunity*, 339.

that camp. There it was thought that in public life we need to intervene in the contemporary politics. We all would go. There was an editorial board, each month the editorial board would meet. He got me into the editorial board too.⁵⁰

In Pancholi's journey we see a blend of an ideological commitment to a Royist non-party politics alongside the commitment to campaign for, and defend the rights of, those who may not be in strong position to defend themselves legally.

The CFD and the PUCLDR saw themselves as extra-legislative, responsible opposition. Tarkunde wanted to mobilise prominent voices within civil society for this task. Pancholi writes about the early efforts of Tarkunde to find like-minded influential voices for the formation of the CFD:

From 1972, he devoted his efforts in contacting such persons. Individuals like M.C. Chagla, N.A. Palkhivala, S.M. Joshi, Prof. V.V. John, B.G. Verghese, Prof. Rajni Kothari, A.G. Noorani, Prof. K.D. Desai and many more were approached who positively responded.⁵¹

One of the first assignments that the CFD took up was to participate in a committee for electoral reforms set up by JP in 1974. The committee's report became the basis for the introduction of several reforms of the electoral law in India. A look at the aims and objectives of the CFD reveals its desire to strengthen parliamentary democracy, independence of the press and the judiciary:

a) to develop a public movement of active intolerance of all forms of corruption in public affairs... c) to secure recognition to the right of public dissent and generally to defend civil liberties d) to ensure the independence of the press and other mass media... e) to ensure the independence of the judiciary f) to bring about electoral reforms.⁵²

However, members of political parties were not allowed to join the CFD due to the Royist commitment to non-party democracy as well as the prevalent notion that party politics was

⁵⁰ N.D. Pancholi, interview with author, August 18, 2015, New Delhi.

⁵¹ Pancholi, "Emergency and Tarkunde," *The Radical Humanist* 79, no. 4 (2015): 4.

⁵² "Inaugural Conference of Citizens for Democracy," *The Radical Humanist*, 38, no.2, (1974): 30.

inevitably corrupt. In order to accommodate those who were party members and yet wanted to participate in civil rights work, a new platform—the PUCLDR—was conceptualised.

The PUCLDR was launched in a conference in 1976 by Acharya J.B. Kripalani, a well-known Gandhian leader. The conference was attended by most of the leaders from the opposition, including Charan Singh.⁵³ JP was named its President. Krishna Kant⁵⁴ became the General Secretary, and Tarkunde the Working President. Describing the membership composition of the group as well as the intent behind the coming together of major figures, Ajay Gudavarthy writes:

Political figures and sections close to the Janata party, apart from the Radical Humanist Association and the professional body of lawyers, academics and a few independent Gandhians... More than activism and mass mobilisation, the thrust really was to draw eminent personalities that could exert pressure, moral or otherwise, on individuals and institutions.⁵⁵

As is noticeable, like the APDR in Kolkata, the CFD and the PUCLDR in Delhi represented attempts to mobilise credible, respectable and influential voices from the civil society.

During the Emergency, the CFD organised committees to render financial and legal help to families of the people who were detained. The Delhi committee for this task was headed by Amiya Rao and B.G. Rao,⁵⁶ who filed several petitions on behalf of the detainees. In October 1975, an all-India civil liberties conference was organised in Ahmedabad, Gujarat since it was ruled by the opposition at the time. The convenor of the Legal Aid cell of the PUCLDR, senior lawyer Ashok Kumar Panda, remembered some of the early activities of the group. He said that the years of the Emergency were spent quietly attempting to strengthen the anti-Emergency opposition.

⁵³ Charan Singh (1902-1987) was the fifth Prime Minister of India from 1979-1980. He left the Congress in 1967 and established the Bharatiya Lok Dal. This party was an important constituent of the Janata government, which was formed after the Emergency.

⁵⁴ Krishna Kant (1927-2002) was the tenth Vice President of India. Expelled from the Congress Party for opposing the Emergency, he became a part of the Janata government.

⁵⁵ Ajay Gudavarthy, *Politics of Post-Civil Society: Contemporary History of Political Movements in India* (Los Angeles: Sage, 2013), 39.

⁵⁶ Amiya Rao and B.G. Rao were a wife-husband couple. Amiya was an educationist who was also active in the women's and civil liberties movements. B.G. Rao was a member of the Indian Civil Services. The couple moved to various states in India, participated in social service activities and played a key role in the establishment of public service institutions and groups. They were particularly active in the anti-Emergency activism and carried out relief work after the 1984 anti-Sikh riots.

The period “75-77 was devoted to the cause of political prisoners, it was not an open movement but a quiet one. We would be doing cyclostating,⁵⁷ working with families, wall-writing, filing petitions”.⁵⁸ Panda had started his practice as a junior lawyer in the chambers of Justice Tarkunde. One of the roles that Tarkunde took up was as chair of the committee for the defence of George Fernandes and others in the Baroda Dynamite Case of 1976.⁵⁹ The case was filed by Mrs. Gandhi against Fernandes and 24 others during the Emergency with the charge that they were smuggling dynamite to blow up government establishments and railway tracks as a protest against the government. Panda was the junior-most member of the Committee. The PUCLDR collected funds for fighting the case and got together a battery of lawyers to represent the accused in the court.⁶⁰

The Emergency was lifted in 1977 and General Elections were announced. Subsequently, the first ever non-Congress government was formed at the centre as a coalition led by the Janata Party. Several members of the PUCLDR took up positions in the government. Some even thought that there was no need any longer for civil liberties activism since the Janata government would be respectful of civil liberties. The national forum discontinued its activities for a few years while its Delhi unit remained active. In 1980, the national forum was revived again as the People’s Union for Civil Liberties (PUCL) while the Delhi unit of the PUCLDR recast itself as the People’s Union for Democratic Rights (PUDR).

The political worldview of many of those in the Delhi unit of the PUCLDR was closer to the Kolkata groups of activists that I have mentioned above. The leading members of the PUDR were people like Gobinda Mukhoty, Sudesh Vaid, C.V. Subba Rao, Manoranjan Mohanty and

⁵⁷ The method of making bulk copies of a document that was prevalent prior to the arrival and popularity of the photostat.

⁵⁸ Ashok Panda, interview with author, February 15, 2016, New Delhi, Fieldnotes.

⁵⁹ See Coomi Kapoor, “George Fernandes: Rebel without a Pause,” *Live Mint* (2015), accessed May 18, 2018, <http://www.livemint.com/Sundayapp/dxWMisYxo5tz1XfTtA0QdI/George-Fernandes-Rebel-without-a-pause.html>.

⁶⁰ In addition to Tarkunde, the team included Chandrashekhhar Dharmadhikari, judge at the Bombay High Court, K.L. Sharma, President of the Delhi Bar Association, and Govind Swaminathan, former Advocate General of the Madras Government. Ashok Panda and Ravi Nair were assisting the defence. For more, see Ananth V. Krishna, “The Emergency,” in *India Since Independence: Making Sense of Indian Politics*, (New Delhi: Pearson, 2011), 177.

Sumanta Banerjee. Unlike many others within the PUCLDR, they were not close to the Janata Party and could be viewed as comprising a left faction within the PUCLDR. In an obituary written for Mukhoty, Banerjee recalls the presence of two strands within the PUCLDR “[o]ne favouring concentration on only the civil rights of the citizen, the other stressing extension to the democratic rights of the peasants and workers and militant activists fighting for their demands.”⁶¹ Except for the group that eventually became the PUDR in Delhi, a significant section of the CFD and the PUCLDR in Delhi saw itself as an extra-legislative opposition with a mandate to restore a system that had fallen prey to an authoritarian executive. It had placed faith in the state and was disappointed. Therefore, it made efforts to restore the autonomy of the press, the courts and the electoral process from the threat that the then government posed.

A remarkable phenomenon from the time that potentially helps us understand the participation of the professional middle class in civil rights activism before and during the Emergency was the repeated calls being made to the intellectuals by members of their own class and social background to play an active role in politics. I elaborate on the nature of these calls and its impact on activists in the following section.

The Calls to the Intelligentsia

So far, the discussion has revolved around the specific contexts of the emergence of civil rights activism in Kolkata and Delhi. In both the contexts, we notice overwhelming numbers of middle class professionals (academics, journalists, lawyers) in civil rights groups. Importantly, those who joined activism also made efforts to persuade other like-minded influential voices, particularly members of the intelligentsia, to step up to their social and political responsibility. The question of the responsibility of the intelligentsia came up in publications of the time; it was also a recurring

⁶¹ Sumanta Banerjee, “In Memory of Gobinda Mukhoty,” *Economic and Political Weekly* 30, no. 43 (1995), 2725.

theme in my interviews with the activists. Indeed, alongside the ideological influences on the activists and the political context of the two cities, a middle class self-perception around playing a leadership role in political, ethical and intellectual matters should be seen as a contributing factor to the emergence of civil rights activism.

Writings published in the late 1960s and 70s urged the professional middle classes to become active in politics instead of remaining spectators. One of the early articles, written by Sudhir Mulji in 1966, was titled “Intellectuals and Public Affairs”. Mulji was alarmed at the arrests that had been taking place under the Defence of India Act and the widespread misuse of the Preventive Detention Act. In order to exhort intellectuals to become active in politics, Mulji noted:

It is one thing for intellectuals not to mix into the normal hub of politics, but it is quite another to permit this rapid descent into blackness which is taking away all the precious gifts of a decent society. It is therefore appalling to hear every day of men being robbed of their personal and political freedom in the name of the state, but it is even more frightening that no intellectuals are raising their voice in protest, in dissent, against a government policy which is a deliberate misuse of the normal safeguards against an excess of civil liberty.⁶²

In the same year, Pranab Bardhan referred to Calcutta as “A City of Sleepwalkers” and complained that the left intellectuals in that city indulge in frequent political talk but do little to follow up:

A majority of pro-Communist Calcutta intellectuals sympathise, I am told, with the ‘Right’ Communist Party. I talked to some of them. I don’t want to sound too unfair, but they don’t seem to have as yet recovered from the magic spell of that ‘beautiful and ineffectual angel’, Jawaharlal Nehru, who had seduced them (and the Indian Left in general) into ineffectiveness for a long time.⁶³

In a similar observation in 1967, the *Economic and Political Weekly* carried an editorial piece titled “Intellectuals Abdicate”. It argued that there was an alarming political and economic crisis in the country that the intellectuals had been watching passively:

The other important element of disquiet is the tragedy already referred to, namely, the wholesale abdication of responsibility by the intellectual community, supposed to constitute the vanguard in any process of social transformation.⁶⁴

⁶² Sudhir Mulji, “Intellectuals and Public Affairs,” *Economic and Political Weekly* 1, no. 1 (1966), 7.

⁶³ Pranab Bardhan, “A City of Sleepwalkers,” *Ibid.*, no. 2, 69.

⁶⁴ “Intellectuals Abdicate,” *Ibid.*, no. 3/5 (1967), 94.

The use of the term “vanguard” indicates that these questions are being asked from intellectuals in general but Marxist intellectuals in particular. Intellectuals were expected to be practicing revolutionaries who both organised and led the masses. In 1972, there was a spirited debate on the “Role of Marxist Intellectuals in India Today” between Mathew Kurian and Irfan Habib. Kurian’s disappointment is representative of several other commentaries of the time. Consider the opening lines of his essay:

One of the agonising facts of the Indian situation is the slow, but steady, intellectual death of many “intellectuals” who once claimed to be leftists and progressives but who now tread the reformist and revisionist path. Many of the so-called “leftists” of yesterday are today fully entrenched in important positions as experts and advisers in the bourgeois-landlord Establishment.⁶⁵

Thus, there was a widespread expectation from the intellectuals to provide leadership in politics and society by members of the same class and background. In response to Kurian’s essay, Irfan Habib argued that instead of making intellectuals a scapegoat, one should remain sensitive to both the history and context of left politics in India as well as the socio-economic circumstances of the people who become intellectuals in any society.⁶⁶ In the interviews that I conducted, the theme of expectations of intellectuals from themselves elicited emotional responses. Activists spoke of both a heightened sense of social responsibility as a motivation for joining civil rights groups as well as of experiencing guilt for not having done enough. Sheth spoke about his desire to meet his social responsibility as an intellectual. He took up civil rights activism since he felt dissatisfied with the academic world as there was not enough exchange between “real” world politics and academic work. “I found this world unreal and disconnected from the reality of society. Theory had no role to play in the society we lived”.⁶⁷

⁶⁵ K. Mathew Kurian, “Role of the Marxist Intellectuals in India Today,” *Social Scientist* 1, no. 1 (1972), 3.

⁶⁶ Irfan Habib, “Role of the Marxist Intellectuals in India Today,” *Ibid.*, no. 5 (1972), 59.

⁶⁷ D.L. Sheth, interview with author, August 24, 2015, New Delhi.

At the same time, several activists expressed guilt for not having done enough. It appeared that they were in an inner dialogue with their ideal picture of an activist who was a self-sacrificing, uncompromising, revolutionary. And in comparison, they found their own political role circumscribed. Activists remembered being committed in their youth to some form of radical social change. Years later, as they looked back, they felt a sense of insufficiency and disappointment. Manoranjan Mohanty, who has been involved with the PUDR since its beginning, articulated a feeling of regret as he compared his life with those of his friends who had “really” dedicated their lives to politics. While Mohanty performed well and went to University of California for his Ph.D., one of his friends repeatedly refused to take any exams for the degrees he undertook as he had a stance against the system of examination and grading. Another, Mohanty said, became a full-time activist with the CPI(ML). “Of the three of us I am the most routinized one”.⁶⁸ Anand Chakravarti, a sociologist who went for several fact-finding teams with the PUDR in Bihar in the 1980s, said that referring to himself as an activist would be to disrespect the term:

See, my understanding of an activist is someone who actually goes to the street, is part of street work, i.e., you participate in demonstrations, you make your voice heard in a public space. I have not done that. The most that I have done is to participate in investigations of state repression in Bihar. I have been part of fact-finding teams organized by PUDR. In my perception, that is not really activism. That is an expression of one’s commitment to certain social issues.⁶⁹

Evidently, sympathy for left politics but an inability to “really” follow up on it was a predicament that many among the Indian intelligentsia wrestled with. The formation of civil rights groups was partially a product of this classic middle class predicament.

In an article titled “Movements, Intellectuals and the State”, Sheth asks intellectuals to perform the role of mediating between organs of the state and social movements:

This role of mediation is two-fold. On the one hand it consists of formulating the needs and demands of divergent groups, often articulated by the movements in the

⁶⁸ Manoranjan Mohanty, interview with author, September 25, 2015, New Delhi.

⁶⁹ Anand Chakravarti, interview with author, October 22, 2015, New Delhi.

shape of larger issues of policy. On the other it pertains to using their position and privilege in society, in defending the civil and democratic rights of the people, particularly of movement activists when they resist strong arm methods used by the state for putting down democratic expressions of their demands.⁷⁰

Sheth's recommendation is reflected in the distinct practice of using one's civil society-based privileges for defending the civil and democratic rights of various sections of society. Civil rights activism was a mode to balance two elements: negotiating the demands of livelihood on the one hand and restoring a sense of playing the historic role of providing leadership to society on the other. Vasant Kannabiran, feminist activist and teacher who was married to K.G. Kannabiran, recalls the early years of their activism in the following words:

Actually, around 1969-70 when Kanna began to get these cases, for defence of political prisoners, my whole life changed. Till then it was a nice comfortable middle class life: children, husband life whatever. But then this started happening, there was a qualitative change in life. Everything began to change for me. People would come in. People would talk about things. Kanna would come, and then, he would be so full of it, and talking about it. Suddenly we were part of history. From a 'nice' middle class cocooned life, we were suddenly becoming part of history. I didn't see it like that then. I was just very excited that it was happening and very excited that we were doing something important.⁷¹

Clearly, the calls to assume responsibility towards public affairs led intellectuals and activists to reflect upon their life circumstances, come to terms with their limitations as well as acquire a sense that they were contributing towards a bigger cause.

This thesis explores the implications of the middle class character of civil rights activism across several chapters and, in particular, in Chapter 5, which is about the activists' use of the frame of concerned citizenship. It argues that the twin ideals of securing livelihood and material comforts on the one hand and retaining an ethic of public service on the other were negotiated through ally activism. For now, however, I have only pointed to the presence of the calls made

⁷⁰ D.L. Sheth, "Movements, Intellectuals and the State: Social Policy in Nation-Building," *Economic and Political Weekly* 27, no. 8 (1992), 427.

⁷¹ Vasant Kannabiran in *The Advocate*, DVD, Directed by Deepa Dhanraj, Kalpana Kannabiran, 2007.

upon the middle class by members of their own social background to take a leadership role as one of the contributory factors determining the composition and character of civil rights activism.

Conclusion

This chapter has provided the history and political context of the emergence of civil rights groups through the narratives of first-generation participants to understand the factors and motivations that drew a section of the professional middle class to activism. The interview narratives and the early activities undertaken by civil rights groups demonstrate the confluence of two distinct, almost opposite, motivations found amongst activists in Kolkata and Delhi. While those from Kolkata engaged with civil rights activism as an attempt to wrest certain rights from a “bourgeois” state and claimed to have remained wary of state power all along, those in Delhi came to this form of activism having felt “disillusionment” with India’s democratic promise. These two groups took almost opposite political journeys: one began from a position of suspicion and the other from a position of faith. The chapter argues that as a mode of politics, civil rights activism was initiated through a confluence of these distinct political motivations.

However, the presence of the two distinct motivations was not arbitrary or coincidental. The political culture and the local political context had significant bearings on the outlook, composition and character of civil rights groups. Many in the national capital stated that they had turned to civil rights activism after becoming disillusioned with the state; they had heard the echoes of various movements in the country but had not seen the state’s military power from close quarters. Their counterparts in Kolkata, however, considered a turn to activism as a tactic. They reported an absence of faith in the state both due to the prevalence of communist politics as well as the intensity of the counter-insurgency operations in response to the Naxalite movement. The vantage point provided by a comparison of these urban settings helps us appreciate the impact of activist perception of the state on their approach and motivations.

A second associated factor contributing to the emergence of civil rights activism was a churning within the intelligentsia about their role in politics in the 1960s and 70s. In the writings of the period, a demand was made on intellectuals by members of their own class and social background to take on a leadership role in politics. A sympathy for left politics but an inability to “really” follow up on it was a predicament that many among the Indian intelligentsia wrestled with. The formation of civil rights groups and ally activism were also a mode of negotiating this predicament.

A characteristic disappointment with political parties in particular and party politics in general is considered an important feature of this activism. In his article on the responsibilities of the intellectuals, Sheth also argued that intellectuals needed to step in politics since political parties had failed. “The situation is accentuated by the fact that political parties have abandoned their role in shaping the discourse on social policy, a role that they are required to play to deal with the demands emerging from their respective support bases”.⁷² The next chapter examines the relationship of civil rights activists and groups with parties and the party system.

⁷² Sheth, “Movements, Intellectuals and the State,” 427.

Chapter 2

Revisiting the Location of Civil Rights Activism

The whole thrust... is to the central point: the left is irrelevant, it has to be bypassed; the left parties are as exploitative as other parties; the NPPF [Non-party political formation] represents a more radical alternative to the communists... One has to cut through the pseudo-radical, academic jargon of the NPPF advocates to expose the core of their pernicious anti-Marxist ideology.

-Prakash Karat¹

It cannot be denied that the major reason that these groups [NPPF] and individuals are not working within political parties is because they find the empirical practice of the parties stifling, if not downright false. It is in a sense of rigidity, the bureaucratic and hierarchical nature, the constant side-tracking of issues of direct concern to the people... which drive people outside the fold of parties.

-Harsh Sethi²

Introduction

The above-mentioned excerpts are part of a debate, which took place in 1984-85, on the apparent failure of political parties and the emergence of non-party groups in India. Defending the emergence of non-party groups, Sethi argued that the formation of such groups was necessitated because political parties had been “side-tracking the issues of direct concern to the people”. In contrast to this, Karat, on behalf of the Communist Party of India (Marxist) (CPI(M)), argued that non-party groups were anti-left and were playing into an “imperialist strategy”.

The birth of civil rights groups in India has been understood as part of a wider burgeoning of activist organisations, volunteer groups and movements in the 1970s and 80s. Rajni Kothari, D.L. Sheth and Harsh Sethi have categorised the various groups and organisations that emerged in this period as “non-party political formations”.³ These groups were understood to have emerged

¹ Prakash Karat, “Action Groups/Voluntary Organisation: A Factor in Imperialist Strategy,” *The Marxist* 2, no. 2 (1984): 9.

² Harsh Sethi, “The Immoral ‘Other’: Debate between Party and Non-Party Groups,” *Economic and Political Weekly* 20, no. 9 (1985): 379.

³ Rajni Kothari, “The Non-Party Political Process,” *Economic and Political Weekly* 19, no. 5 (1984); D.L. Sheth, “Grass-Roots Initiatives in India,” *Ibid.*, no. 6; Harsh Sethi, “Groups in a New Politics of Transformation,” *Ibid.*, no. 7.

due to the “failure” of the party system, and their autonomy or independence from parties and party politics was considered their most distinctive feature. Sethi wrote that “we have a myriad of small and large struggles which erupted *outside* the confines, boundaries and control of the traditional political organisations”(emphasis mine).⁴ Kothari noted that these groups were “attempts to open alternative political spaces *outside* the usual arenas of party and government though not outside the State”(emphasis mine).⁵ More recently, Aditya Nigam used the term non-party “to consider the whole range of new kinds of assertions that have sought to find expression *outside* the framework of established parties and old modes of doing politics” (emphasis mine).⁶

The choice of the term “non-party” clearly conveys that these groups were defined not by their shared internal features but by what they were not. The questions this chapter raises are: Did this autonomy and distance from political parties or party politics, written about in the literature, exist in practice? What were the concrete ways in which civil rights groups (as one of the “non-party” formations that emerged in this period) framed their politics and activism vis-à-vis parties and party politics? In raising these questions, the chapter revisits the prevalent claim and understanding regarding the *location* of civil rights groups, namely, that they exist *outside* of the domain of parties and party politics. The aim is to better comprehend the nature of the sphere that such groups occupied during the period under study.

The chapter examines the practices of civil rights groups and analyses interviews conducted with activists from the PUCL, the PUDR and the APDR. Activists were asked about their own relationship, as well as the relationship of the groups that they were part of, with parties and party politics. Their responses did not yield a singular pattern. One-fourth of the 70 activists interviewed said that they had been part of one or the other party either before or after they came to join civil

⁴ Sethi, “Groups in a New Politics of Transformation,” 305.

⁵ Kothari, “The Non-Party Political Process,” 219.

⁶ Aditya Nigam, “The Non-Party Domain in Contemporary India,” in *Paper prepared for the Project on State of Democracy in South Asia* (New Delhi: Centre for the Study of Developing Societies).

rights activism. More puzzlingly, several had memberships in small oppositional parties alongside civil rights activism. Some activists made a distinction between the party that was in power and parties that were in opposition. Activists forged separate relationships with major electoral parties and minor non-electoral parties. Some groups made efforts to reform parties and the party system in India. While most activists moved away from party politics to join civil rights activism, some left civil rights activism to join party politics. There was also an instance of a marginal non-electoral political party asking some of its members to work within civil rights groups.

Based on the activist narratives collected from fieldwork and the practices of these groups, the chapter argues that the term “non-party” as well as the prevalent understanding that these groups are located “outside” of the domain of party politics fail to accurately depict the empirical relationship between civil rights groups and party politics. During the period under study, civil rights groups engaged with both political parties as well as the party system, and these engagements were marked by *contextual and strategic negotiation* instead of a distance and separation. The chapter argues that civil rights groups are better understood not as non-party actors that remained outside the domain of party politics, but as third-party actors that negotiated with the domain of party politics. To demonstrate this claim, the chapter first describes the formulation of “non-party political formations” in the context of a “crisis of representation” in India. It then examines activists’ recollections of the relationships that they had forged with parties, both individually and organisationally.

Non-party Political Formations and the Crisis of Representation Thesis

A global trend of disenchantment with political parties has been referred to as the crisis of representation thesis. The thesis notes that beginning in the 1960s and 70s, citizens in various countries have experienced a disillusionment with party politics as a system of representation. Neera Chandhoke notes that, “citizens across the world have shifted from older and traditional

forms of representation, such as political parties and trade unions, to ‘newer’ modes such as social movements, informal citizen groups and non-governmental organizations (NGOs)”.⁷ This shift has occurred because conventional modes of representation such as political parties have “exhausted their capacity to represent the aspirations of their constituencies, they have become hierarchical, bureaucratic, and rigid, and they tend to follow the political logic and impulse of power-seeking”.⁸ Peter Houtzager et al argue that popular “structures of representation that characterised much of the 20th century... socially, ideologically, and organisationally appear to be in crisis, or at least seriously eroding”.⁹ Since political parties no longer do the job of representing the demands and the needs of their constituencies, several groups have begun to negotiate their collective problems either through civil society-based groups, or by coming together in a movement or association, or through agitation or direct action.

In the context of India, the crisis of representation has been seen largely in terms of the decline of the legitimacy that the Congress Party enjoyed. In the early 1970s, as the Congress began to acquire authoritarian tendencies under Mrs. Gandhi’s government, several new groups emerged and resorted to lobbying, agitation and violence to foreground their demands or resolve the problems they faced. Chandhoke writes that “Given the non-performance of political parties, it is not surprising that the anti-caste movement, struggle for gender justice and the movement for civil liberties” decided to mobilise themselves in the space of civil society.¹⁰ It is also worth noting that the crisis of representation thesis does not imply that civil society groups have been better representatives of people’s interests or have enjoyed greater trust of the people. It merely attributes the emergence of new groups to a perceived failure of party politics. Over the years, non-party groups have steadily expanded and transformed in India. In a study conducted in the year 2000,

⁷ Neera Chandhoke, “Revisiting the Crisis of Representation Thesis: The Indian Context,” *Democratization* 12, no. 3 (2005): 308.

⁸ Ibid.

⁹ Peter P. Houtzager, Ruth Berins Collier, John Harriss, Adrian G. Lavalle, “Rights, Representation and the Poor: Comparisons across Latin America and India,” (London: Development Studies Institute, London School of Economics and Political Science, 2002), 4.

¹⁰ Chandhoke, “Revisiting the Crisis of Representation Thesis,” 320.

D.L. Sheth estimated the number of such groups to be in the range of 20,000-30,000.¹¹ Alongside non-party groups, other terms like New Social Movements, CSOs or NGOs have often been used to describe them. Indeed, since the 1990s, a substantial part of civil and human rights activism has come to be dominated by professionalised NGOs that are funded by donor agencies.¹²

One can raise an empirical question about how real or intense the “crisis of representation” was. For instance, the notion that party politics had “failed” contradicts the thesis of a “democratic upsurge” which observes an increase in the voter turnouts and popular participation in electoral politics in the 70s and 80s.¹³ The chapter does not address the issue of how real this crisis was. Rather, it refers to the Indian variant of the crisis of representation thesis to examine activist response to the ‘failure’ of party system and subsequent activist engagement with parties and party politics.

Let us examine the earliest articulation of non-party political formations as put forward by Kothari, Sheth and Sethi in 1984. In an article titled “The Non-Party Political Process”, Kothari argued that the formation of these groups was necessitated due to the “failure not just of government but of organised political parties”.¹⁴ He used the term non-party as a descriptive and not an analytical category, i.e., all the groups in the domain of non-party politics did not share common properties; they were united by their shared presence in a new political space. Such groups chose to operate in a sphere outside the mainstream parties like the Congress as well as Left parties like the CPI(M) and CPI(ML). Sethi sub-divided non-party groups according to the issues they took up.¹⁵ He classified these groups in five categories: development and charity groups, action groups that do mobilisation and organisation, political groups, pre-party political formation

¹¹ D.L. Sheth, “Globalisation and New Politics of Micro-Movements,” *Economic and Political Weekly* 39, no. 1 (2004).

¹² Rob Jenkins, “Non-Governmental Organisations,” in *The Oxford Companion to Politics in India*, ed. N.G. Jayal and P.B. Mehta (New Delhi: Oxford University Press, 2010).

¹³ Yogendra Yadav, “Electoral Politics in the Time of Change: India's Third Electoral System, 1989-99,” *Economic and Political Weekly* 34, no. 34/35 (1999).

¹⁴ Kothari, “The Non-Party Political Process,” 218.

¹⁵ Sethi, “Groups in a New Politics of Transformation”.

and support groups. Together, these groups constituted a new domain of politics. However, beyond stating that their location was outside of the electoral arena, the classification of these groups as non-party revealed little about the nature of the relationship of these groups with parties and party politics.

Alongside Kothari and Sethi, Sheth too argued that it was the failure of the parties “in their role of linking the policies and programmes of the government, with the felt needs of the people”¹⁶ that led to the formation of these new groups. More so, in the context of the increasing authoritarianism of Mrs. Gandhi, opposition parties lacked the ability to counter the increasing “centralisation of power coupled with... frequent use of the repressive machinery by the state to crush local movements”.¹⁷ Kothari, Sheth and Sethi raised the concern of not merely the failure of specific political parties, but of the party form itself. Sheth argued that it was the “very structure of the organisation” that was in crisis: “The relationship between the leaders and the cadres within the organisation” as well as that between “the cadres and the working masses they purport to represent” had become strained.¹⁸

One might expect that Kothari, Sheth and Sethi would make a specific reference to civil rights groups within the larger non-party sphere, particularly so in light of the fact that, at the time of the publication of these articles, Kothari was General Secretary¹⁹ of the PUCL, Sheth was Chairperson of the Lokayan dialogues,²⁰ and Sethi was closely involved with *Lokayan Bulletin* as editor and convenor. Despite this, none of them explicitly mentions civil rights groups as part of the non-party political formations. In fact, as we will see below, they saw these groups as a link between various non-party groups, the government, and the press.

¹⁶ Sheth, “Grass-Roots Initiatives in India,” 305.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ “A Short History of the PUCL,” pucl.org, accessed March 2, 2018, <http://www.pucl.org/history.htm>.

²⁰ “Profile: Professor D.L. Sheth,” Lokniti.org, accessed March 2, 2018 http://www.lokniti.org/people_lokniti_dlsheth.php.

Kothari's examples of non-party groups were almost always drawn from regional groups and movements. The examples he mentioned were Chipko,²¹ the Jharkhand Mukti Morcha,²² the Ryot Coolie Sangham of Andhra Pradesh,²³ and the peasant movement in Kanakpura, Karnataka.²⁴ The only indirect reference to civil rights groups he makes is in a concluding section of the article titled the "Macro-Micro Dynamic". Here, he writes about the need for an initiative to connect the micro, i.e., local groups with the macro, i.e., national politics.²⁵ A close reading of the article and the context of Kothari's participation in the PUCL suggest that he imagined civil rights groups to be the link that would connect the micro with the macro.

Unlike Kothari, Sheth and Sethi explicitly mention civil rights groups as a link between various grassroots groups, the national press, and the public. Sheth writes that if non-party groups/grass-roots initiatives were not supported, the qualitative edge they had brought to Indian politics would be "blunted, or their confidence eroded before they are able to make an impact at the macro level".²⁶ The support non-party groups needed was provided by "sporadic attempts [that] were being made to create wider linkages and networks around issues of common concern as and when they arise (especially in the fields of ecology, civil liberties and women's rights)" to create a "durable macro-level projection".²⁷ Evidently, Sheth perceived civil rights groups to be a support structure for non-party groups. Sethi too places civil rights groups outside his five-fold typology of non-party groups mentioned above. In the conclusion of his essay, he writes that "[W]e have still not touched upon the activities of the environmental groups, lawyers' collectives,

²¹ The Chipko Movement, which emerged in 1973, was a non-violent social and ecological movement aimed at protection and conservation of forests in the Uttarakhand region. The movement was led by Sunderlal Bahuguna and Chandi Prasad Bhatt. The movement's name, a Hindi word, describes acts such as embracing, encircling and hugging trees to prevent them from being hacked by loggers.

²² Jharkhand Mukti Morcha is a political party that started in 1973 as a movement for the formation of Jharkhand as a separate state. It also mobilised industrial and mining workers and agitated over agrarian and land distribution issues.

²³ Ryot Coolie Sangham (Farmers and Labourers League), Andhra Pradesh was a peasant movement led by the CPI(M). Started in 1982, the movement demanded minimum wages, distribution of surplus land and better living and working conditions for labourers.

²⁴ The reference is to a movement against granite mining.

²⁵ Kothari, "The Non-Party Political Process," 223.

²⁶ Sheth, "Grass-Roots Initiatives in India," 261.

²⁷ Ibid.

alternative professional associations, groups fighting for civil liberties and democratic rights, radical journals, theatre groups etc”.²⁸ Thus, it is evident that in their early writings on non-party formations, the authors saw non-party groups and civil rights groups as separate. They saw civil rights groups as a link between the micro politics that had just emerged and national politics. Most subsequent commentaries on civil rights groups have continued to categorise them as non-party formations that lie outside of the arena of party politics.²⁹

Having outlined the earliest formulations of non-party political formations and the wider context of the crisis of representation, we can now proceed to examine the nature of the relationship between civil rights groups and party politics by looking at the practices of these groups and the activist narratives. However, to comprehend the approach of civil rights activists and groups towards parties and the party system, it is important to briefly note the ideological perspectives towards parties within the liberal, Marxist and socialist political traditions in India. These ideological stances constitute the backdrop in which several activists made their choices.

Was it Just the Failure of Parties? Ideological Approaches Towards the Party System

The question of the desirability of parties as a vehicle of representation in India did not first emerge in the 1970s. A section of those who came to the domain of non-party politics in the mid-70s considered themselves the inheritors of, or influenced by, a long existing ideological tradition that was critical of both the form and function of party politics. In order to better appreciate the

²⁸ Sethi, “Groups in a New Politics of Transformation,” 309.

²⁹ Examples of contemporary scholarship that consider civil rights groups to be part of the domain of non-party formations are Nigam, “The Non-Party Domain in Contemporary India”; Stanley Kochanek, “Political Governance in India: The Challenge of Stability and Diversity,” in *The Post-Colonial States of South Asia: Democracy, Identity, Development and Security* ed. Amita Shastri and A. Jeyaratnam Wilson (Richmond, Surrey: Curzon, 2001); N.G. Jayal, “The Role of Civil Society,” in *The State of India’s Democracy* ed. Sumit Ganguly, Larry Jay Diamond and Marc F. Plattner (Baltimore: Johns Hopkins University Press, 2007); M. Priyam, K. Menon, and M. Banerjee, *Human Rights, Gender and the Environment* (Pearson India, 2010); Gudavarthy, *The Politics of Post Civil Society*.

ideological outlook of the first-generation activists towards parties and the party system, we will briefly touch upon key perspectives on political parties as a vehicle of representation.

An early moment of a strong critique of parties as a vehicle of representation was the eve of independence itself, when Gandhi had famously suggested that the Congress party should disband to become a group of volunteers. This suggestion created a divide within the Congress. One group continued as a political party by the same name and went on to form government, while the second group, which included Gandhi himself, left party politics and took to social work and community service. Several Gandhians envisioned a democracy without a centralised party system. They believed that political parties inevitably contained the possibility of becoming narrow, partisan and power driven. Although many Gandhians reconciled to the presence of parties as the main medium of representation between the people and the government, they nevertheless participated in initiatives of voluntary service.³⁰ In the late 1960s, Gandhians were an active presence in civil liberties initiatives. Indeed, many of the activists I interviewed spoke about an enthusiastic participation of Gandhians in early civil liberties initiatives. These were figures such as Acharya Kripalani, who participated in the Champaran fact-finding investigation with Gandhi in 1917 (discussed in Chapter 3) and chaired the first meeting of the PUCLDR in 1976. Others were Malati Choudhary, a *sarvodaya* leader who established the Orissa Civil Liberties Committee in 1968, and Mridula Sarabhai, a Gandhian activist who played a key role in the establishment of the India branch of the Amnesty International in 1968 (discussed in Chapter 5).

Gandhian-Socialists like JP continued to offer a fundamental critique of parties and the party system. In the 1970s, JP found solidarity in the figure of V.M. Tarkunde, who had a Marxist-radical humanist critique of the party system that was influenced by M.N. Roy. Both JP and Roy had once been involved with parties, but both came to disassociate from them. By the 70s, JP had

³⁰ Lloyd I. Rudolph and Susanne H. Rudolph, *Postmodern Gandhi and Other Essays: Gandhi in the World and at Home*, (Chicago: University of Chicago Press, 2006), 142; David Hardiman, "Gandhian Activism in India after Independence," in *Gandhi in His Time and Ours: The Global Legacy of His Ideas* (London: C. Hurst, 2003).

had a long political career behind him: he had moved in and out of party politics, social work and social movement leadership. He had been part of the Congress in the anti-colonial movement, which he left in 1948 along with the Congress Socialists to form the Praja Socialist Party (PSP). In 1957, he resigned the PSP to join the *sarvodaya* community workers to engage in full-time social work. In a letter to his fellow party workers titled “Evolution in My Own Thinking”, he offered his critique of party-based politics as well as of the party form:

The party system with the corroding and corrupting struggle for power inherent in it, disturbed me more and more. I saw how parties, backed by finance, organisation and means of propaganda could impose themselves on the people... How democracy was reduced to mere casting of votes, how even this right of vote was restricted severely by the system of powerful parties for whom alone, for all practical purposes, the voters had to make their choice.³¹

JP identified both corruption as well as the inability to represent people as the two central limitations of the party system. By the late-60s, he had come back to state politics in Bihar, and he led the Bihar Movement in 1974. This movement quickly acquired a national character and became a platform for anti-Indira opposition.³² His desire to activate the domain of non-party politics in the 1970s was fuelled by both the presence of a long-standing distrust in political parties as well as by his critique of the Congress party.

Roy had started his political career as a Marxist and had later evolved a system of thought that he referred to as Radical Humanism.³³ He believed in a decentralised system of representation in which power would reside in local organisations, i.e., in people’s committees instead of political parties. Roy had disbanded the Radical Democratic Party in 1948, which he had established in 1940, and had come to consider political parties to be fundamentally undemocratic. He wrote that

³¹ Jayaprakash Narayan, “Evolution in My Own Thinking,” in *Jayaprakash Narayan: A Centenary Volume*, ed. Sandip Das (New Delhi: Mittal Publications, 2005).

³² M.G. Devasahayam, *JP Movement Emergency and India’s Second Freedom* (New Delhi: Vitasta Publishing, 2012).

³³ Radical Humanism is how Roy referred to his philosophy of revolution, which he developed in the later part of his life. He explored it in his *Twenty-Two Theses on Radical Democracy* (1947) and *New Humanism - A Manifesto* (1953). Radical Humanism is critical of both communism and parliamentary democracy. It argues that both the systems render people powerless: they have no means to exercise their sovereignty or wield any real control over the state or political parties. As an alternative, Roy presented the idea of a “radical democracy” as a highly-decentralised system that worked through a network of people’s committees.

in a parliamentary democracy driven by political parties, candidates remain accountable only to party and power remains concentrated in a few hands.³⁴ In the 1970s, Roy's ideas were carried forward by Tarkunde to energise the domain of non-party politics.

In the figures of JP on the one hand and Roy and Tarkunde on the other, we see the convergence of two kinds of critique of party-based politics, both lying outside the framework of representative liberal parliamentary democracy. One belonged to the Gandhian-Socialist stream that was sceptical of a western model of liberal democracy and the centrality of political parties within it. The other was a Marxian-Royist endorsement of Radical Democracy, which believed in a countrywide network of people's committees instead of parties. When, in the 1970s, both JP and Tarkunde were faced with a moment in which they felt that political parties had failed, they decided to dedicate themselves to energise the domain of non-party politics.

For the communists, the party was a social movement by another name. In the 1940s, both the Congress Socialist Party (CSP) and the Communist Party of India (CPI) had led a number of labour strikes and peasants' organisations.³⁵ In several Indian states, it was difficult to distinguish between popular movements and communist parties.³⁶ From a Marxist perspective, the task of a party was to lead and serve the proletariat in its battles towards the revolution. Therefore, Marxist parties were not comparable to the parties of a liberal democracy. Thus, activists who came to civil rights groups were more willing to engage with left parties in the opposition than with the ruling parties as they considered smaller, non-electoral left parties to be closer to social movement groups.

³⁴ M.N. Roy, "Democracy and Party Politics," in *Politics, Power and Parties: M.N. Roy* ed. S. Balwant (Delhi: Ajanta Publications, 1960), 87.

³⁵ Rajnarayan Chandavarkar, "From Communism to 'Social Democracy': The Rise and Resilience of Communist Parties in India, 1920-1995," *Science & Society* 61, no. 1 (1997).

³⁶ Manali Desai, "Party Formation, Political Power, and the Capacity for Reform: Comparing Left Parties in Kerala and West Bengal, India," *Social Forces* 80, no. 1 (2001).

Lastly, there were politicians and intellectuals, including Jawaharlal Nehru, who articulated aspects of a liberal constitutionalism or a democratic socialism.³⁷ They were perhaps attempting to strip aspects of liberal thinking from its colonial inheritance and re-imagine it in the Indian parliamentary system. In it, a three-tier system of representation was adopted with elections at the local, state and central levels and parties were to be the vehicles of representation in parliament. Civil rights activists who were influenced by this stream engaged in the domain of non-party to campaign for introduction of transparency and reforming the party system so that parties could resume their 'true' role.

The presence of a strong ideological critique of parties and the party system in the political traditions of India contributed as much to the establishment of civil rights groups as had the perceived failure of party politics in the 1970s. They shaped the political outlook and choices of activists.

In the 1970s, members of civil rights groups came from diverse ideological streams. Despite their internal differences, activists of different political beliefs forged a broad alliance to invigorate the non-party domain. There were activists of Gandhian, Marxist, socialist and liberal democratic persuasions. Besides the political considerations of the time, the ideological approach that activists had towards parties and the party system played an influential role in determining the political journeys of the activists and the choices they made. The brief gesture made above to these ideological streams of thought provides a context to situate activist political journeys, choices and narratives that follow in the next section.

³⁷ For a range of discussions on liberal democratic ideas in Indian politics and political parties, see C.A. Bayly, "The Ends of Liberalism and the Political Thought of Nehru's India," 12, no. 3 (2015); Sunil Khilnani, *The Idea of India* (New Delhi: Penguin, 2004); Ramachandra Guha, *India after Gandhi: The History of the World's Largest Democracy* (New York: Harper Collins, 2007).

Mapping Activist Engagements with Party Politics

“The Wayward Behaviour of Parties”³⁸: Reforming Parties and the Party System

Despite a personal and ideological rejection of parties and party politics, civil rights groups and activists had an active concern for the health of the parties and the electoral system in India. In the early years of the establishment of the groups, several efforts were made to reform and restore the party system to what they thought it ought to be. This section highlights the co-existence of an ideological rejection of the party system among activist narratives and an attempt to reform parties and the party system in the activities that civil rights groups undertook.

Pancholi recalled his journey from party to non-party politics. He said that he had joined the Communist Party of India (CPI) as a junior student, but in college he was exposed to the ideas of Roy, which influenced him deeply. He attended study camps organised by the Indian Radical Humanist Association and left the CPI. For him, one of the fundamental issues with party politics was that it put up a “pretence of democracy”.³⁹ For instance, it was the parties that chose candidates for elections and not the people themselves. Therefore, when chosen, the candidates “become accountable not to the people, but to the party”.⁴⁰ Secondly, he disliked the lack of freedom for party workers and the notion of party discipline. “I do not possess the temperament to work in a political party”. Parties, irrespective of their ideology, curb individual autonomy by imposing a line of thought on their cadre:

You have to go and subordinate yourself [to the party] which I will never do. I can’t give up my independent thinking. That was my nature and of other radical humanists like Tarkunde. We cannot compromise on certain values, but if you join a party you will have to compromise on certain values.⁴¹

Despite this ideological and personal discomfort with party politics, the CFD, to which he belonged, was not detached or isolated from the sphere of party politics. The early activities of the

³⁸ Phrase excerpted from a remark made by N.D. Pancholi, interview with author, August 18, 2015, New Delhi.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

CFD were oriented towards reforming parties and the party system. Thus, an ideological disavowal and a personal discomfort co-existed with the desire to improve and restore the conduct of parties and the party system. This is borne out by the early activities of the CFD. Take for instance its resolution of 1974, which states the decision of the CFD to campaign for the accountability of party funds and for the appointment of a Lok Pal⁴² to address citizen complaints against the parties:

The meeting adopted an important resolution on the practical work of the Delhi branch. The main feature of the work will be to develop an anti-corruption campaign around two concrete demands. The first demand is that there should be a suitable enactment required of all political parties to have their accounts audited by a chartered accountant nominated by the election commission. Secondly it demanded that the Central Government should immediately appoint a Lok Pal at the centre before whom citizen's complaint of corruption... can be filed and dealt with according to law.⁴³

Apart from developing a campaign to demand audits of party accounts and appointment of a Lok Pal, the CFD also decided that it would approach political parties individually to persuade them to "have their accounts published after getting the same duly audited by any recognised firm or chartered accountant".⁴⁴ In a similar vein, in 1975, JP, on behalf of the CFD, constituted "an Electoral Reforms Committee in consultation with political parties and specialists in this field to work out the details of such changes".⁴⁵ This committee consisted of V.M. Tarkunde, E.P.W. Decosta (an academic), A.G. Noorani (a lawyer and constitutional expert), M.R. Masani from the Swatantra Party, R.D. Desai and P.H. Mavlankar. The committee received memorandums from "public bodies, political parties and individuals" and made several recommendations for electoral reforms.⁴⁶

Another such initiative was to set up an unofficial National Committee for Review of the Constitution as a parallel group to the one established by the government by the same name. Soon

⁴² Lok Pal, i.e., a Citizen's Ombudsman, is an anti-corruption authority.

⁴³ Report, "Citizens for Democracy - Delhi Branch," *The Radical Humanist* 38, no. 3 (1974): 36.

⁴⁴ *Ibid.*, 37.

⁴⁵ "Resolutions Passed by the Delhi Branch of Citizens for Democracy," *The Radical Humanist* 38, no. 3 (1974): 37.

⁴⁶ "Interim Recommendations for the Electoral Reforms Committee of the Citizens for Democracy," *The Radical Humanist* 38, no. 10 (1975): 31.

after the declaration of the Emergency, Mrs. Gandhi constituted a committee under the chairmanship of Sardar Swaran Singh, the then Defence Minister, to study the working of the Constitution and suggest amendments. The CFD too set up an unofficial body with members from the opposition parties. Its members included Tarkunde, JP, Era Sezhiyan, a Member of Parliament (MP) from the Dravida Munnetra Kazhagam (DMK), Krishna Kant, who had left the Congress in 1975, and M.C. Chagla, an eminent lawyer, diplomat and ex-cabinet minister.⁴⁷ The CFD committee submitted its report that got wide publicity in the press but was disregarded by the government.

These early initiatives by the CFD indicate that despite an ideological rejection of the party system both individually and organisationally, civil rights groups campaigned for reform of the parties and the electoral system. They also collaborated with opposition party members. In particular, they directed their efforts to the issue of corruption and empowerment of the electorate through greater dissemination of information about parties, and they emphasised greater accountability of political parties.

“There is Hardly any Need for a Civil Liberties Movement Now”⁴⁸: Crossover into Parties

By the late 1970s, as the opposition to Mrs. Gandhi’s government began to envisage itself as a viable electoral alternative, the engagement of civil rights groups with the domain of party politics became stronger. By August 1976, JP, who was then president of the CFD, had begun to conceptualise a united electoral opposition against the Congress that included members of several opposition parties. He wanted the CFD to campaign amongst people to strengthen this united opposition. The report of the first all India membership meeting of the CFD mentions JP’s proposal thus:

⁴⁷ “National Committee for the Review of the Constitution,” *The Radical Humanist* 40, no. 5 (1976): 74.

⁴⁸ Statement from CPDR, “The Civil Liberties Movement: A Perspective,” in *Expanding Governmental Lawlessness and Organized Struggles*, ed. A.R. Desai (London: Sangam, 1991), 285.

The CFD cannot be effective, he said, if it remains confined to the intelligentsia. He called upon the members to launch a mass movement for the holding of early elections... He referred to his efforts to set up a United Democratic opposition.⁴⁹

In the context of a need to strengthen the alliance against the government, JP considered it tactically unwise to keep the parliamentary—and therefore party-based—opposition separate from the non-party opposition. Therefore, he proposed a new civil liberties platform in which members of political parties as well as others would be able to participate. Era Sezhiyan writes that JP may have been compelled to do so on the demand of certain parties. In an article remembering the time when JP made this proposal, Sezhiyan writes that the CPI(M) had told JP that they preferred a new platform instead of the CFD for a united opposition against Mrs. Gandhi:

JP suggested to me for establishing a new organisation to protect the Civil Liberties and Democratic Rights of the people. My first reaction about a new organisation was when we already had the CFD doing the good work in that field [what is the need for a new organisation?]. He explained that the leaders of Communist Party of India (Marxist) were prepared to participate in a common frontal organisation in preference to the CFD.⁵⁰

Tarkunde too writes that JP had proposed a new platform to accommodate the demands of parties. Thus, the PUCLDR was not a membership organisation; it was a platform for parties to come together without allowing any one party to influence its agenda. It comprised of the members of the CFD as well as groups like Chhatra Yuva Sangharsh Vahini (CYSV), Samajvadi Yuvajan Sabha and various opposition parties. The inaugural meeting that launched the PUCLDR was attended by several leaders of the opposition. Acharya J.B. Kripalani (a Gandhian Socialist) had chaired the meeting since JP was in jail at the time. Charan Singh (of the Bharatiya Lok Dal), E.M.S. Namboodiripad (from the CPI(M)) Krishna Kant, who had recently resigned from the Congress, attended the meeting.⁵¹ The PUCLDR undertook initiatives like providing legal defence to those who had been arrested, run conventions and campaigns against the Emergency.

⁴⁹ Report, "Citizens for Democracy: All-India Membership Meeting," *The Radical Humanist* 40, no. 5 (1976): 67.

⁵⁰ Era Sezhiyan, "Justice Tarkunde - Defender of Democracy," *PUCL Bulletin* 27, no. 3 (2007): 9.

⁵¹ PUCL, "A Short History of the PUCL," accessed April 25, 2017, <http://www.pucl.org/history.htm>.

Once the Emergency was lifted and the general elections were announced, a number of parties of the opposition decided to get together to form the Janata Party. At a national convention of the group “top Janata leaders, like Krishna Kant, declared that there was hardly any need now for a civil liberties movement, as democrats had come to power”.⁵² Many from the PUCLDR returned to the domain of party politics and government formation.⁵³ A sudden opportunity to form government strengthened the opposition in parliament but weakened the PUCLDR in civil society. In retrospect, it is evident that an attempt to engage with parties of the opposition was a factor that contributed to the birth of PUCLDR. And whether intended or not, the PUCLDR as a platform facilitated the formation of the Janata Party.

“Keep Away from Power, Not Party”⁵⁴: Doing Party Politics Alongside Non-party Activism

In 1980, when Mrs. Gandhi returned to power, the PUCL became active again and turned itself into a membership organisation. After the Janata Party interlude, the PUCL also developed a policy towards admitting members of political parties. It decided that:

The number of members, belonging to political parties, in the national or state executive committees shall not be more than 50% of the members of the National Council and the National Executive Committee respectively (and the corresponding bodies at the state and local level). Not more than 10% shall be members of any single political party.⁵⁵

Thus, the PUCL remained open to party members but introduced provisions to prevent any one political party from determining its agenda and to disallow political parties from becoming a significant force within the organisation. At the same time, it kept open the possibility of dual membership for its members in both the PUCL and a political party. This enabled activist use of parties and non-party groups for different kinds of political ends.

⁵² CPDR, “The Civil Liberties Movement: A Perspective,” 284.

⁵³ A.R. Desai, *Violation of Democratic Rights in India* (Bombay: Popular Prakashan, 1986), 299.

⁵⁴ Remark made by Vijay Pratap, interview with author, November 14, 2015, New Delhi.

⁵⁵ PUCL General Secretary, *Know PUCL* (New Delhi: PUCL, 1988).

The late Justice Rajinder Sachar,⁵⁶ a former chief justice of the Delhi High Court, had served as president of the PUCL. He was associated with India's socialist parties since the 1930s and was also a senior leader in the Socialist Party (India) that was established in 2011. He spoke about his disappointment with the almost-extinct presence of socialist politics in contemporary times:

Today if a young person sees the state of affairs of India, he will not believe that there was ever any significant left in India. I was part of the Socialist Party. I was a member of the party in 1936 in Delhi and also in 1949. Dr. Lohia and us were arrested and were detained... We went to the jail. Right up to 1970s we were part of the Party... I [formally] joined the PUCL in mid 80s.⁵⁷

When asked why he felt the need to join civil rights organisations alongside his association with the socialist parties, he replied that there were certain issues that would not have gained electoral popularity otherwise. As examples, he cited the issues of capital punishment and the rights of political prisoners. These issues of crucial importance would not lend themselves to the logic of electoral politics; only civil rights groups could raise campaigns around them. He believed that different platforms should be used for political goals that were appropriate to them.

Another activist who juggled party work and civil rights activism as different modes of politics aimed at different issues was Vijay Pratap, a socialist youth leader and activist who worked with the PUCL and *Lokayan*. In the 70s, he was active with the Bihar Movement and was jailed during the Emergency. Upon his release, he became president of the Delhi unit of the Yuva Janata, a youth organisation that was formed with the merger of the youth wings of the Congress (O), the Socialists, the Bharatiya Lok Dal (BLD), and the supporters of Ram Manohar Lohia. In the 1980s, he was national convenor of the Samata Yuvjan Sabha that was associated with Samata Sangathan, a socialist party led by Kishen Patnaik.⁵⁸ He spent most of his time organising protests.

⁵⁶ Justice Sachar passed away on April 20, 2018.

⁵⁷ Rajinder Sachar, interview with author, October 5, 2015, New Delhi.

⁵⁸ Kishen Patnaik (1930-2004) was a socialist leader and activist from Orissa. In the 1960s, he represented the Praja Socialist Party in parliament.

In addition to doing mobilisational work, he also participated in the *Lokayan* initiative and in investigative fact-finding carried out by the PUCL.

Pratap argued that it was more important to keep away from power than from the party form. In other words, he saw the need to keep away from any office that carried any significant power whether within party or in a non-party space. To him this was a socialist ethic. He said that in socialist parties there is, and ought to remain, a distinction between the organisational and the legislative wings of the party:

The socialist movement makes a distinction between the state and the party. Those who are ministers in the state should not hold position within the party. *Dono ke beech mein ek lakshman rekha bana ke rakhni chahiye*. [One must draw a *lakshman rekha*⁵⁹ between the two].⁶⁰

He added that the same principle is applicable to civil rights groups too. One needs to be equally wary of concentration of power within the hands of a few within a civil rights group. He expressed reservations with the PUCL over lack of intra-organisational democratic practices. “I did not like the way in which office bearers were chosen. It used to be by a consensus of the leadership not an election. It wasn’t an open, inclusive mechanism”.⁶¹ He believed that one must ensure the presence of proper checks and balances in any organisation, whether it be a party or a non-party group. In itself, participation in political parties must not be restricted, but a concentration of power ought to be prevented in either spaces.

Therefore, some activists chose to work with both a party platform as well as a non-party group to raise separate sets of issues. Some saw these two as separate modes of action that could be put to different political ends. They saw the domain of non-party activism as a newer avenue alongside the more traditional ones like political parties. Others did not think that dividing the

⁵⁹ The Laxman Rekha occurs in the context of the Indian epic *Ramayana*; it is used in contemporary times to refer to a moral limit that must not be crossed. Here, it is used to emphasise a strong separation of the two spaces.

⁶⁰ Vijay Pratap, interview with author, November 14, 2015, New Delhi.

⁶¹ Ibid.

political space into “party” and “non-party” was necessary or useful so long as certain values and principles were followed. They found it *more important to keep away from power and not party*. Activists often juggled civil rights activism and participation in a left, often electorally-insignificant, party to raise separate issues.

“I was asked by my party to join PUCL”⁶²: Sending Party Cadre to Civil Rights Groups

There were also occasions when marginal or smaller left parties asked their members to work with civil rights groups as part of a tactical need. Debaich, an activist and freelance journalist who had worked with the PUCL, Kolkata for over a decade, said: “I was asked by my party to join human rights activity”.⁶³ Debaich had started his political career as a student activist; he had worked with a marginal left party and then joined the PUCL. He spoke about the dilemmas of being a party member who has been asked to join a civil rights group.

In the early 70s, Debaich was involved with the CPI(ML) PCC (Provisional Central Committee). This group had broken away from the CPI(ML) leadership in 1971 and had reorganised itself by 1973. The group was referred to as the “PCC Faction”, or the “Santosh Rana Faction”, after its general secretary. In 1974, this group decided to support JP and the Bihar Movement. Once the Emergency was imposed, the CPI(ML) PCC called for the formation of a “revolutionary united front” to oppose it. This front was expected to build a coalition of various anti-Congress platforms and it identified civil rights groups as one such space. The party thus asked some of its cadres to work with non-left opposition groups. The PCC was also one of the earliest Naxalite groups to start participating in elections, and Santosh Rana was elected to the West Bengal State Assembly in 1977.⁶⁴

⁶² Remark made by Debaich, interview with author, January 11, 2016, Kolkata.

⁶³ Ibid.

⁶⁴ CPI(ML), “The Unfinished Revolution, List of major Naxalite parties in India,” accessed May 5, 2017, <http://list-naxal.blogspot.co.uk/2007/09/provisional-central-committee-communist.html>.

Having been placed in the PUCL at the instruction of the party, Debaich said that he had found working in the PUCL challenging. “In my situation, you always have to convince others that I am not here to do a party job”.⁶⁵ He remembered feeling the pressure to demonstrate that he was not in the group just to pursue the agenda of his party. After a few years, he felt a greater commitment to civil rights activism than to the party. He gave up party membership in 1988 and subsequently became general secretary of the PUCL, Kolkata.

When asked about what he thought about this tactic in retrospect, he told me that the decision of parties to participate in civil rights groups was potentially hazardous, for it could lead to an undue influence over the agenda of the groups. The presence of too many party workers in a civil rights group would keep the attention of the group focussed on the violations of the government at the cost of the violations that parties might commit. He said:

If their [party workers'] presence is big within the human rights group, then the problem becomes larger. The problem would be the same with the CPI(M) or any other party too. Human rights work should be done by human rights people [and not party workers].⁶⁶

He said that the biggest challenge that civil rights groups have faced is to demonstrate their independence from governments, the state, and political parties. On the one hand, there is a persistent danger from parties that desire to influence civil rights groups; on the other, the government is eager to dismiss civil rights groups as front organisations of various parties. It is the responsibility of such groups to prove their independence through their work and keep equal distance from both the government and the political parties. He also believed that even though it presented challenges for him personally, civil rights groups must remain watchful of the activities of those who were members of a political party:

Various political parties will attempt to declare human rights groups as front organisations. It is for the groups to prove their impartiality through their investigations

⁶⁵ Debaich, interview with author, January 11, 2016, Kolkata.

⁶⁶ Ibid.

and their statements. There should also be enough peer pressure within the group on individuals to prove that they are not here to do a party job.⁶⁷

Other activists too have raised concern about the impact of simultaneous membership of activists in a political party on their credibility and independence. Achyut Yagnik, a journalist and former secretary of the PUCL Gujarat, raised a concern about overlapping membership of activists in parties and also the need for an ideological distance from left parties:

Some of the organisational problems of civil liberties and democratic rights groups can be traced to their ambivalence with regard to the simultaneous membership of political groups. Though the constitutions of a number of these groups prohibit members of political organisations from holding office or being in the executive committees of human rights groups, the lifting of this ban by some other groups has resulted in an open identification of the concerned group with a particular political organisation, such that the group ends up being seen as a front of the latter. Such a step often invites trouble, as it means the loss of a broad-based liberal platform and the consequent narrowing of one's own operating space.⁶⁸

Evidently, having parties engage with civil rights groups to publicly identify with a set of issues and strengthen the opposition against the government in power, as well as having a section of the activists who might identify with a party ideology or programme, inevitably created dilemmas for activists. Parties placing their cadre in civil rights groups, or the presence of activists who were aligned with the outlook or programme of particular parties, created a credibility deficit. The debate over whether, and to what extent, it would be proper for activists to identify with left movements and parties is elaborately examined in Chapter 4.

“See, it is *People’s Union for Civil Liberties*, but *People* are not there!”⁶⁹: Missing Mass Mobilisation

Although he is a former secretary of the PUCL, Delhi, Mahi Pal Singh is also a Royist who has an ideological critique of party politics. At the same time, there are aspects of party politics—such as mass mobilisation—that he has liked and has tried to introduce within the programme of the PUCL. In addition to his association with civil rights activism, Singh has been a member of the

⁶⁷ Ibid.

⁶⁸ Achyut Yagnik, “Human Rights Movements: Some Yakshaprashna,” *Lokayan Bulletin* 5, no. 4/5 (1987): 105.

⁶⁹ Mahi Pal Singh, interview with author, October 30, 2015, New Delhi.

Indian Radical Humanist Association and a former member of the CPI(M). On being asked why he left the party, he said that he did not like the process of decision making (known as “democratic centralism”) in the party. All decisions of the higher bodies in the party were binding on the lower bodies:

I am not discussing the contradiction in terms of ‘democratic centralism’... but the practical aspects of what it [the party] is supposed to follow. The leaders do not let the smallest units of the party take any decisions on their own. They feel that powerful [local] branches can make [senior] leaders weak... So, they see to it that the branches do not become powerful enough to question their authority or methods of functioning.⁷⁰

Singh remembered feeling alienated since the decision-making powers in a party were unduly concentrated in the hands of the party elite. At the same time, he continued to feel drawn to the idea of mass mobilisation and working among people in the way that parties did. Singh said:

See, it is *People’s* Union for Civil Liberties and *People* are not there! How is it a people’s organisation? It is a leaders’ organisation. It is a lawyers’ organisation. You call it that. It is an organisation of civil libertarians. If it is people’s organisation, then take it to the people.⁷¹

As secretary of the PUCL, Delhi, he took initiatives that would involve a popular outreach:

Most of our meetings were in the Gandhi Peace Foundation, I found that restrictive. People did not know who we were, what we were doing. So, I said why don’t we go to people? I started visiting schools, colonies, many people got interested, and membership grew. I worked for two years; from just Paschim Vihar, Nangloi, we got a membership of 350 people.⁷²

Situated within civil rights groups, activists like Singh missed a wider outreach to the sphere of ‘real’ politics. He did not mind a party style of functioning, he “just did not like the hierarchy in

⁷⁰ Mahi Pal Singh, “Future of Communist Parties: Observations of An Insider,” in *The Radical Humanist*, December 2000.

⁷¹ Mahi Pal Singh, interview with author, October 30, 2015, New Delhi.

⁷² Ibid.

political parties”.⁷³ Singh said that he appreciated the role played by left parties in this regard; they were the only ones who worked with the poor.

While Singh tried to introduce a mass outreach within the PUCL, there were other activists who left civil rights groups to join marginal, non-electoral left parties and work among the masses. Three such activists who started their political journey in civil society-based groups but left it to work with parties were Ashok Prasad, Rama, and Joseph Mathai. All of them were members of the PUDR through the decade of the 1980s and left it to work with one of the factions of the CPI(ML). When I asked Ashok Prasad and Rama about why they left the PUDR to join party politics, Prasad said:

We also got sick of what we called middle class politics. I was secretary [of PUDR] for a long time. I was young and all the experience of politics [I ever had] was PUDR. I was tired of the academic types, doctors, lawyers. I wanted to be with the people.⁷⁴

Mathai’s response to the same question was:

Civil rights work is permanent opposition, it can’t create anything but critique. It is innocent at one level, pointing out the problems, but that’s not the space for working with masses and creating an alternative.⁷⁵

Prasad said that the immediate reason that made him decide to leave the PUDR was the face of the Indian society he saw first-hand in the 1984 riots.⁷⁶ “One important reason was 1984; it changed the way I looked at the Indian society. It showed the ugliness inside. To a large extent, it was a feeling that you have to do something [with the people]”. He and his partner worked with an ML faction in Delhi and Bihar for about ten years. Prasad, Rama and Mathai had no previous

⁷³ Ibid.

⁷⁴ Ashok and Rama, interview with author, November 18, 2015, New Delhi.

⁷⁵ Joseph Mathai, interview with author, December 29, 2015, New Delhi.

⁷⁶ Also known as the 1984 anti-Sikh riots, these were effectively a pogrom against Sikhs in India. Their immediate cause was the assassination of Mrs. Indira Gandhi by her Sikh bodyguards, who had probably reacted to her authorisation of a military operation in the Golden Temple complex in Amritsar, Punjab. Clashes led to the death of almost 3000 people in New Delhi alone. It is widely believed that the violence was organised with the support from the Delhi Police and some senior leaders of the Congress. See Manoj Mitta and H.S. Phoolka, *When A Tree Shook Delhi* (New Delhi: Roli Books, 2007)

experience in party politics. Their earliest experiences of being involved in politics had been with urban environmental activism, which had led them to civil rights activism.

As is reflected in activist choices discussed in this segment, a significant section of the activists within the domain of non-party felt a pull towards the mass outreach aspect of parties. They either tried, like Singh, to incorporate mass engagement within civil rights groups, or they left, like Prasad and other, civil rights groups to work with parties. They came to prefer another mode of doing politics, i.e., working among the people. They stated that despite all their limitations, parties had an elaborate local network and provided an avenue for mass outreach that civil rights groups did not possess. Parties allowed for a sense of participation in the 'real' world of politics, even if that sense was temporary. It was this opportunity of being and working with people that attracted some activists towards party politics.

“Instead of Destroying the Whole Wall, Just Make a Small Hole”⁷⁷: Tactical Link with Parties

Lastly, some activists spoke about the tactical necessity of engaging with parties in order to advance the goals of civil rights groups or to get parties to endorse certain demands. Civil rights groups have engaged with parties for extended periods while also maintaining an organisational distance. They have made their expertise available to parties (particularly to those on the left), supported certain party activities, and built temporary alliances. Groups have also offered conditional support to political parties. Consider the following example from the PUCL:

We had sent a 7-point Charter of Demands to all political parties asking them whether they would commit themselves to implement it within a year of coming to power, at the time of elections in 1989... The National Front had accepted the Charter and after coming into power it took some action on it.⁷⁸

While civil rights groups chose to work outside of party frameworks, they were mindful of the political weight that parties carried. Activists of several local groups too acknowledged that it

⁷⁷ Remark made by D. Manjit, interview with author, December 12, 2015, New Delhi.

⁷⁸ PUCL, “General Secretary’s Report,” *PUCL Bulletin* 11, no. 6 (1991): 4.

was tactically unwise to bypass local and regional parties. In this sense, civil rights groups did not operate in a domain outside of political parties but actively negotiated with them. Often, activists in non-party groups kept an eye out for party members who would be sympathetic to the demands of a movement or a civil rights group:

[T]here are a large number of individuals in these parties and their various organisations like trade unions who are genuine and committed and yet suffocating in the party structure. It is possible for action groups to identify and relate to such individuals at the local and regional levels. Such linkages are necessary to enhance the capacity of both to bring about significant transformation of society.⁷⁹

Along similar lines, activists from the APDR in Kolkata told me that as a nascent group, it had approached all the opposition political parties for support in order to bring some legitimacy and public acceptance for their work. This need was felt due to the intensity of the counter-insurgency operation that had created a climate of widespread fear and terror. The CPI(M) did not formally support them but a few individuals within the party were sympathetic to the APDR. Parties like the CPI and Forward Block sent their representatives to the public meetings organised by the APDR to provide support and legitimacy to the new organisation.⁸⁰

An activist from the PUDR, D. Manjit, mentioned the benefits of lobbying with political parties, government officials or police officers by reflecting on the fate of the movements that had tried to resist high modernist ‘developmental’ plans. He said that in the last three decades, the movements that had had any degree of success were not necessarily the ones that had mobilised well or the ones the media had paid attention to, but the ones that had had some “sympathisers within the system”. Emphasising the tactical utility of engaging the system, Manjit said:

A hole in the wall made more sense to me. Instead of destroying the whole structure, just make a small hole. If there is a collector, an administrator, or an MP who is favourably inclined, you have a better chance [at succeeding].⁸¹

⁷⁹ Rajesh Tandon and Ganesh Pandey in an interview, as quoted in Walter Fernandes, “Some Dilemmas Facing Action Groups: Reactions from Activists,” in *Social Activists and People’s Movements: Search for Political and Economic Alternatives*, ed. Walter Fernandes (Delhi: Indian Social Institute, 1985), 104.

⁸⁰ Sanjay Mitra, interview with author, January 11, 2016, New Delhi.

⁸¹ D. Manjit, interview with author, December 12, 2015, New Delhi.

Thus, in the course of their work, activists looked to tactical negotiations with parties in particular and with people within the “system” in general. These negotiations were made to increase the possibility of civil rights groups achieving their goals.

Conclusion

This chapter began by foregrounding the question of location: Were civil rights groups, as *non-party* formations, situated *outside* of the domain of party politics? In response to this question, the chapter has drawn attention to voices and practices that complicate both the prevalent understanding about the location of civil rights groups as well as the thesis of the crisis of representation that is used to explain the emergence of non-party groups.

The narratives of the activists and the practices of civil rights groups demonstrate that these groups emerged not just as a response to a non-performing party system, but, equally, from an ideological commitment to party-less politics. Several first-generation activists were committed to a long-established tradition of political thought and practice that was sceptical of the role and desirability of political parties. The crisis of representation experienced in the 1970s re-activated the various currents of this tradition and re-emphasised the need for civil rights activism. The crisis alone did not give birth to civil rights groups.

Secondly, civil rights activism was conducted not *outside* of party politics but in a consistent and dynamic relationship with it. The term “non-party politics” overemphasises the separation between the spaces of party and non-party politics and suggests that non-party politics was autonomous of the sphere of party politics. Such autonomy does not exist in practice. People who initiate a new domain (such as a non-party one) do not exhibit a total change of approach or orientation. As members of civil rights groups, activists negotiated between the old and new modes

of politics. Civil rights groups engaged with both parties and the party system, and these engagements were marked by *contextual and strategic negotiation* instead of separation or autonomy.

These negotiations were executed in several modes. Civil rights groups and activists made attempts to reform the party system by campaigning to bring changes in the conduct of the elections as well as accountability to political parties. Activists crossed over to the domain of party politics. Some activists were members of both civil rights groups as well as left parties; they considered the two as distinct forums to pursue different political ends. In some cases, parties attempted to place their cadre in civil rights groups to work on a shared agenda. In other cases, activists tried to replicate aspects of party politics within civil rights groups or left their groups to join a party and do mass-based work. Through all this, activists kept an active interest in parties and made various tactical negotiations and alliances. Their relationship with parties was marked neither by distance nor by antagonism. It was a tactical relationship that involved numerous contextual negotiations. A mapping of these diverse activist engagements with the domain of party politics demonstrates that the empirical dynamic between parties and non-party groups is misrepresented by the claim or the understanding that civil rights groups were located *outside* of the domain of party politics. Instead of viewing civil rights groups as actors within the domain of non-party politics, it is analytically preferable to see them as third-party actors who represented a distinct mode of politics. In this role, they negotiated, depending on their context and motivation, with both parties and non-party groups.

Chapter 3

Contesting Official Facts: Investigative Fact-Finding in Civil Rights Activism

On July 24, 1975 at about 8pm in the night (sic), all the lights in the lock-up were put out. The boys were shuffled into a police van and taken to Giraipally forest. They were tied to four trees from neck to foot and were blind-folded. The boys, before they were killed, raised slogans.¹

Introduction

This excerpt is from a testimony, recalled by an eyewitness, who claimed to have seen four Naxalites being killed in an ‘encounter’² by the police in the southern Indian state of Andhra Pradesh. It appears in the interim report of the Civil Rights Committee (an unofficial voluntary committee set up to investigate several ‘encounter’ killings of Naxalites) released in 1977. The committee was comprised of prominent civil society figures, lawyers, activists and journalists. The report claimed that the police ‘encounters’ they investigated were in fact extra-judicial killings. This claim anticipated what is today widely recognised in the public sphere, namely, that ‘encounters’ by the police or armed forces are often staged. The report was submitted to the Prime Minister of India and released to the press. The opposition raised questions in parliament regarding the claims of the report and a judicial commission of enquiry under Justice V. Bhargava was set up by the Andhra Pradesh government to conduct public hearings on the alleged encounters of Naxalites during and after the Emergency.

The report was a result of a fact-finding investigation. Fact-finding investigations are the predominant mode of activism for civil rights groups in India. In a typical fact-finding

¹ V.M. Tarkunde, et al, “Interim Report of the Civil Rights Committee,” as reproduced in *Mainstream* 15, no. 38 (1977): 5.

² The term ‘encounter’ refers to an act of killing by police or armed forces, often in self-defence, in a combat with criminal gangs or terrorists. Over the years, due to the frequency of staged encounters in India, the term has come to refer to extra-judicial killings.

investigation, an enquiry team is established on a one-off basis. The team visits the scene or site of the case, ascertains facts, identifies those who are culpable, and makes demands or recommendations. Setting up a fact-finding team has been one of the first responses of civil rights groups to incidents involving violation of rights. For example, the PUDR alone has conducted over 254 fact-finding investigations in the 30 years of its existence.³ On an average, civil rights groups conduct about six to eight such investigations every year. In the light of the centrality and the frequency of fact-finding investigation within civil rights activism, this chapter explores the nature of fact-finding as a political practice as adopted by civil rights groups in the first decade of their activism. The questions it asks are: Why did civil rights groups adopt fact-finding as a principle form of activity? What were the elements of the practice of fact-finding? What role did it play within this activism?

Within the social science scholarship, there has been a wide interest in the results and findings of the various fact-finding investigations conducted by civil rights groups, but a scholarly engagement with the practice itself is negligible. Fact-finding investigation reports are mentioned for their verdict or their conclusion but not for their form. Their findings have been referred to in public discussions and commentaries on the cases they have investigated. Academics, authors and journalists have frequently participated in fact-finding investigations to report abuses by the government. And yet, they have rarely published or publicly reflected on the practice as their chosen mode of activism. As a core activity within the strategic repertoire of civil rights activism, fact-finding investigation needs a careful examination.

To examine the elements of the practice of fact-finding conducted by civil rights groups, the chapter begins by exploring the meaning and use of fact-finding as an oppositional activity by

³ The PUDR website contains electronic copies of 254 reports from 1979-2016. The activists I met with during my fieldwork in 2015 mentioned that there were more reports from the 70s and 80s, which they were in the process of digitising. The PUCL does not maintain an online record of its fact-finding investigations; however, its bulletins mention approximately four to six fact-finding investigations per year. See pudr.org and pucl.org.

civil society-based groups. It situates this practice historically by referring to the enquiries that were undertaken by the Indian National Congress as part of the anti-colonial movement. It then focusses on the re-emergence of the practice in the 1970s and examines some of the earliest fact-finding reports published upon the formal establishment of civil rights groups in the 1970s. Through a close examination of these reports, the chapter identifies and develops three key features of civil rights fact-finding exercises: i) legalisation of people's recollections; ii) re-narration of events; and iii) exposé of official cover-ups. The chapter argues that the practice of fact-finding contained within itself two theoretically opposed elements—a liberal juridical form and left politics. As activists negotiated their relationship with the opposed worlds of revolutionary left movements and liberal legalism,⁴ the practice of fact-finding both imitated and opposed the formal juridical structure in India. In so doing, fact-finding investigations were quintessential examples of a left-legal practice, i.e., they raised issues on behalf of left revolutionary movements; yet, they operated through legal, procedural and institutional means.

This chapter examines a number of fact-finding investigation reports produced by national and regional civil rights groups, often in collaboration, in the 1970s. Although the reports pertain to three different states of Andhra Pradesh, West Bengal and Punjab, they have a thematic affinity with each other. Most of them were undertaken to look into allegations of police excesses, including extra-judicial killings. This affinity allows for them to be considered as part of a series of similar political initiatives that shared both aim and context. Before an examination of the reports, however, let us explore the meaning and nature of fact-finding as an oppositional activity in the section below.

⁴ The critical legal scholar Karl Klare outlines the key elements of liberal legalism as “the commitment to general ‘democratically’ promulgated rules, the equal treatment of all citizens before the law and the radical separation of morals, politics and personality from judicial action”. He argues that these values, alongside a commitment to formal or procedural rather than substantive conception of justice, constitute liberal legalism. As quoted by Laura Kalman, *Yale Law School and the Sixties: Revolt and Reverberations* (Chapel Hill: University of North Carolina Press, 2005), 283.

Fact-Finding as Discursive Contestation

The most prevalent use of the term “fact-finding” occurs in the context of the international humanitarian initiatives of the United Nations or of international human rights groups.⁵ Generically, fact-finding could mean a mode of conducting enquiry into the facts of a case that is either controversial or needs investigation. Formally, its origin is traced to a series of international treaties that start with The Hague Convention of 1907, which set up an International Commission of Enquiry to settle international disputes. Fact-finding as a practice has remained a frequent mode of investigation undertaken by national governments, the United Nations, as well as human rights groups globally.⁶

Fact-finding missions are routinely commissioned by governmental and international agencies to settle controversies, collect more information or assist decision-making. However, this chapter examines fact-finding investigations undertaken by independent and voluntary groups and not by government- or internationally-appointed commissions. The international equivalent of the kind of fact-finding investigations that civil rights groups undertook in India are the ones undertaken by international human rights groups to expose governmental abuses and do advocacy. Philip Alston and Sarah Knuckey highlight the key elements of human rights fact-finding: an investigation that involves on the ground visit, collection of witness testimonies, inspection of the scene of crime (if any) and collection of evidence. Based on investigation, human rights groups prepare a report to name and shame the perpetrators, use it as a basis for litigation, construct a historical record of governmental excesses and make recommendations to prevent further abuse.⁷

⁵ In 1991, the UN General Assembly adopted the Declaration on Fact-Finding by the United Nations under the field, Maintenance of International Peace and Security. In 1998, the UN special procedures mandate adopted a “Terms of Reference for Fact-Finding Missions by the Special Rapporteurs/Representatives of the Commission on Human Rights”. In 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published a manual as a resource for fact-finding in the context of an international commission of enquiry. See [ohchr.org](http://www.ohchr.org/EN/HRBodies/HRC/Pages/COIs.aspx), accessed October 25, 2017, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/COIs.aspx>.

⁶ Philip Alston and Sarah Knuckey, *The Transformation of Human Rights Fact-Finding* (London: Oxford University Press, 2016), 5-9.

⁷ Ibid.

The practice of fact-finding could be seen from two different perspectives. Frédéric Mégret writes that the first perspective relies on the notion of “facts as existing” and attempts to establish an absolute reality that is independent of any subjective opinion. The second sees fact-finding as a strategic practice that is not necessarily geared towards producing truth claims but is aimed at producing “a social consensus”.⁸ In the first, the term “fact” is the focus and could be substituted for truth or reality. This would lead to normative, philosophical and legal debates about the nature of facts, about whether they really exist, and if they can be found. The second perspective sees fact-finding as a tool of opposition. Mégret argues for the latter, suggesting that fact-finding is better understood as a strategy that provides the “ability to legitimise, communicate and strategize about facts”.⁹ In this sense, creating a social consensus around a set of facts is part of a discursive strategy deployed by oppositional groups.

Seen from the second perspective, fact-finding is an exercise that attempts to contest official information and generate alternative data. As demonstrated by Bernard Cohn’s work on the creation of governmental records, censuses, gazettes, archives, travel accounts and surveys, knowledge production played a crucial role in sustaining and enabling the power and legitimacy of the colonial government in India.¹⁰ Enquiries in particular, as Radhika Mongia shows in her work on government enquiries into the conditions of the migrant indentured Indian labour in the nineteenth century, were an instrument of legitimation for the colonial government.¹¹ To counter these official narratives, documents and enquiries, the nationalists produced parallel enquiry reports to contest the abuses of state power by the colonial government.

In the period after the Emergency, several fact-finding investigations were undertaken to demonstrate that the so-called police encounters were in fact cold-blooded murders. A central

⁸ Frédéric Mégret, “Do Facts Exist, Can They Be “Found” and Does It Matter?,” in *The Transformation of Human Rights Fact-Finding*, 45.

⁹ Ibid., 47.

¹⁰ Bernard S. Cohn, *Colonialism and its Forms of Knowledge: The British in India* (Oxford: Oxford University Press, 2002).

¹¹ Radhika V. Mongia, “Impartial Regimes of Truth,” *Cultural Studies* 18, no. 5 (2004).

aspect of these investigations was to contest official classification of the crime, i.e., to bring about a semantic shift from the term “encounter” to “murder” or “extra-judicial killing”. They challenged the facts around a case, but more importantly, they challenged the terms used to refer to them. As is evident from the histories of social movements globally, the outcome of a conflict is not determined solely by the parties directly involved in it but also, quite crucially, by the support or legitimacy the audience provides to one side or the other. Movement groups and their allies recognise how crucially predicated the exercise of power is on the production of knowledge. Thus, to contest the official terms of description and to expose the actions of police and local administration to the press and public was a central feature of fact-finding reports.

In the context of feminist politics, Mary Katzenstein writes about “discursive activism” as the “politics of meaning making” or “the effort to reinterpret, reformulate, rethink and rewrite the norms and practices of society and state”.¹² Similarly in the context of the women’s movement in India, Ratna Kapur and Brenda Cossman suggest “that law needs to be reconceptualized as a site of discursive struggle, where competing visions of the world, and of women’s place therein, have been and continue to be fought out”.¹³ Such discursive contestation has been an integral part of social movement politics in India. Nancy Fraser argues that it took “sustained discursive contestation” by women’s movement to get a series of gender-based discriminations a recognition as a public concern and not a private matter.¹⁴ She sees social movement groups engaging in a discursive contestation to reinvent meanings and bring to the fore issues that have been either deliberately overlooked or suppressed.¹⁵ The terrain of contestation for civil rights groups was discursive too, i.e., they opposed not just the official facts and information around the events they investigated, but also, and more importantly, the meanings that came to be associated with

¹² Mary Katzenstein, *Faithful and Fearless: Moving Feminist Protest inside the Church and Military* (Princeton: Princeton University Press, 1998), 17.

¹³ Ratna Kapur and Brenda Cossman, *Subversive Sites: Feminist Engagements with Law in India* (New Delhi: Sage Publications, 1996), 12.

¹⁴ Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” *Social Text* 25-26, (1990), 65.

¹⁵ *Ibid.*, 67.

categories and records generated. However, the unique aspect of civil rights fact-finding as discursive contestation was that it mounted these contestations not outside but within the same political and legal field. Fraser's use of the notion of discursive contestation was in the context of an arena developed in parallel to the official public sphere that she refers to as the "subaltern counter-public", whereas civil rights fact-finding reports engaged in such contestation within the same public sphere. Civil rights activists have not been subaltern and do not attempt to create a new public sphere; in fact, they attempt to challenge official narratives within the same public sphere and within the norms of constitutional politics.

This chapter deploys the term "discursive contestation" (or "discursive struggle"), as put forward by feminist scholars such as Katzenstein, Fraser, and Cossman and Kapur. Working with the understanding that norms and terms used to classify carry the power to produce material change, these scholars see discursive contestation as an attempt to invest terms, practices and concepts with a particular meaning, depending on the political use the activists intend to make of them. The chapter sees oppositional fact-finding investigation and report publication as an exercise in discursive contestation that attempts to challenge the official narrative, raise doubts about its credibility, and produce a counter narrative while occupying the same field that official narratives do.

With this outline of the perspective on fact-finding as an oppositional activity, the following section explores a brief history of the use of independent fact-finding by the Congress in the course of the anti-colonial movement. These fact-finding investigations or enquiries (as they were referred to then) served as an antecedent to the practice of fact-finding in the 1970s.

A Brief History of Non-Official Fact-Finding in India

In India, oppositional fact-finding does not owe its origins to the international humanitarian or human rights paradigm. Rather, the practice of fact-finding was part of a repertoire of strategies that dates back to the anti-colonial movement. Civil rights fact-finding (also referred to as an investigation, an enquiry or a public hearing) owes its genesis to a series of enquiries that were undertaken by the Congress to generate information that the colonial government would be reluctant to collect or record, or to counter the official narrative of an incident. The very first Gandhian experiment in *satyagraha*, known as the Champaran Satyagraha (of 1917), started as an extensive fact-finding exercise. At Champaran in Bihar, peasants were forced to grow indigo on their lands as a condition of tenancy, which was made worse by an illegal cess and extortions charged by local landlords.¹⁶ In his autobiography, Gandhi writes that he decided to visit Champaran “to enquire into the conditions of” the indigo planters when he was informed about peasant distress and the lack of any appropriate response by the colonial administration.¹⁷ Gandhi and a team of volunteers carried out a detailed investigation and recorded the statements of peasants. To make these statements credible, the peasants signed or put thumb impressions on their statements and these were recorded in the presence of an officer from the Criminal Investigation Department (CID).¹⁸ Gandhi describes the process of taking statements in his autobiography:

Crowds of peasants came to make their statements... At least five to seven volunteers were required to take down statements... Those who took down the statements had to observe certain rules. Each peasant had to be closely cross-examined and whoever failed to satisfy the test was rejected. This entailed a lot of extra time but most of the statements were thus rendered incontrovertible.¹⁹

¹⁶ For details, see Judith M. Brown, *Gandhi's Rise to Power: Indian Politics, 1915-1922* (Cambridge: Cambridge University Press, 1972), 52-80.

¹⁷ M.K. Gandhi, *The Story of My Experiments with Truth* (Ahmedabad: Navajivan Publishing House, 1940), 378.

¹⁸ Gandhi undertook this enquiry at the request of Raj Kumar Shukla, a money lender from Champaran who had persuaded Gandhi to visit the area. In 1917, Gandhi reached Champaran with a team of lawyers, which included Brajkishore Prasad, Rajendra Prasad, Anurag Narayan Sinha, Ramnavami Prasad and Acharya Kripalani.

¹⁹ Gandhi, *The Story of My Experiments with Truth*, 388.

Gandhi was successful in getting the colonial British government to institute a formal enquiry into the conditions of the peasants. On June 4, 1917, the Lieutenant Governor of Bihar, Sir Edward Gait, ordered the formation of a formal enquiry committee with Gandhi as one of its members.²⁰

Two years later, another fact-finding investigation was conducted by the Congress in the aftermath of the Jallianwala Bagh Massacre of 1919.²¹ The Legislative Council of the Government of India set up an investigative committee led by Lord William Hunter to investigate the massacre. Disappointed with the work and political motivations of the Hunter Commission in locating the blame, the Congress set up its own parallel body, named the Punjab Sub-committee, to investigate the events of the massacre and its political backdrop.²² Similarly, in 1924, an incident of firing on workers in Cawnpore (now Kanpur) Cotton Mills left six dead and 58 injured. Prominent public personalities of Kanpur, many of whom were Congress members, set up an independent, non-official enquiry that exposed a collusion between the management and the police resulting in the deaths of the workers.²³ Another well-known enquiry undertaken by the Congress was the Kanpur Riot Enquiry of 1931. It was set up parallel to a British investigation into the causes of the riot.²⁴ The Congress committee spent two months in collecting evidence. Their report blamed the British officials in India for actively instigating the conflict and tension. The report was banned by the colonial government upon its publication.²⁵

²⁰ Ibid.

²¹ For details on the Jallianwala Bagh enquiry by the British and the one by the Congress, see Taylor Sherman, "Jallianwala Bagh, the Punjab Disturbances of 1919 and the Limits of State Power in India," in *State Violence and Punishment in India* (Abingdon: Routledge, 2010).

²² The committee consisted of M.K. Gandhi, C.R. Das, Abbas Tayabji, M.R. Jayakar, K. Santanam. See Indian National Congress, "The Congress Report on the Punjab Disorders," [gandhiserve.org](http://gandhiserve.org/cwmg/VOL020.PDF), accessed Oct 27, 2017, <http://gandhiserve.org/cwmg/VOL020.PDF>.

²³ Nandini Gooptu, "Congress Socialist Mobilisation," in *The Politics of the Urban Poor in Early Twentieth-Century India* (Cambridge: Cambridge University Press, 2001), 383.

²⁴ The members of the Congress enquiry committee were Purushottam Das Tondon, Khwaja Abdul Majid, T.A.K. Sherwani, Zafarul Mulk, Pandit Sunderlal and Bhagwan Das. The report is reproduced in N. Gerald Barrier, *Roots of Communal Politics: The Cawnpore Riot Commission Report* (Columbia: South Asia Books, 1976).

²⁵ Priya Agarwal, "Forgetting the Violence, Remembering a Report: The Paradox of the 1931 Kanpur Riots," *Undergraduate Humanities Forum* 2007-2008: (2008).

Thus, in colonial India, the practice of fact-finding was used to make a demand for an official enquiry as well as to challenge the existing official enquiry process and its findings. In the Champaran case, the Congress undertook an enquiry to collect evidence and bring pressure on the British government to institute a formal enquiry. In the Jallianwala Bagh and the Kanpur Riots incidents, fact-finding enquiries were undertaken to counter an existing enquiry instituted by the government. As for their impact, Taylor Sherman writes that the British government eventually came to regret any support provided to Congress enquiries as they “provided fuel for anti-British fire and undermined morale of the services”.²⁶ Governmental wariness was not restricted to the colonial period, however; even postcolonial governments were very reluctant to allow any open and public scrutiny of their officials and police.

Fact-Finding Investigations in the 1970s

The practice of fact-finding made a re-appearance in the context of the social movement upsurge of the early 1970s. Several fact-finding investigations were undertaken in this period, both before and after the Emergency. During the pre-Emergency period, many regional enquiries were undertaken in the context of the counter-insurgency operations against the Naxalite movement in West Bengal, Andhra Pradesh and Punjab. These enquiries were undertaken by groups that often kept their identity anonymous to avoid persecution of activists or prisoners by the police. Individuals and groups came together and conducted fact-finding investigations to expose police torture, conditions of prison, and police firings. They published their findings but withheld the name of the group or the members of the team. Their work is the most immediate antecedent of the civil rights fact-finding undertaken by the formally-established civil rights groups after the Emergency. We shall briefly examine these regional antecedents.

²⁶ Taylor Sherman, “Jallianwala Bagh, the Punjab Disturbances of 1919 and the Limits of State Power in India,” in *State Violence and Punishment in India* (Abingdon: Routledge, 2010), 36.

In the early 1970s, various regional groups and sympathisers of the Naxalite movement undertook enquiries and generated reports. For instance, in West Bengal, approximately 15 jail disturbances were reported between 1970 and 1975, and in these 68 prisoners were killed.²⁷ As the Bandi Mukti Aandolan gained momentum, several reports contested the police narratives of ‘encounters’ that occurred in the supposed attempt to prevent ‘jail breaks’.²⁸ Mentioned below is a list of some of the regional fact-finding investigation reports generated in the 1970s.

Table 1: Key fact-finding investigations undertaken by regional groups in the 1970s

Sr. No.	Month and Year	Organisation	Title and Publication Details	Subject Matter	Members
1.	December 1973	Anonymous	“Calcutta Presidency Jail: A First-hand Report,” <i>Economic and Political Weekly</i> 8, no. 51 (1973)	Prison Conditions	Not known
2.	May 1975	Bandi Mukti Parishad and West Bengal Association of Democratic Lawyers	As reproduced in Kalyan Chaudhuri, “The Howrah Prison Killings-Story of a Jail Break,” <i>Economic and Political Weekly</i> 12, no. 17 (1977)	Incidents of alleged jail break in Howrah Prison	Not known
3.	April 1977	Organisation for the Protection of Democratic Rights (Andhra Pradesh)	“Andhra’s roll of honour,” <i>Economic and Political Weekly</i> 12, no. 17 (1977)	Police firings in Srikakulam	Not known
4.	January 1979	Civil Liberties Committee of Warangal	“Police Excesses in Andhra Village,” <i>Mainstream</i> 17, no. 33 (1979)	Police firing in Andhra Pradesh	Dr. G. Haragopal, B.L. Narsimha Rao, N. Venugopal Rao, E.L. Narasimhaiah, S. Jeewan Kumar,

²⁷ Sivadas Banerjee, “Bengal’s Jails,” in *Violations of Democratic Rights in India*, ed. A.R. Desai (Delhi: Popular Prakashan, 1986).

²⁸ Several reports of police torture in the jails were published in the journal *Frontier* as reports by correspondents. See “Behrampur Jail Killing,” in *Naxalbari and After: A Frontier Anthology*, ed. Samar Sen, Debabrata Panda and Ashish Lahiri (Calcutta: Kathashilpa, 1978), 82-84. “Dum Dum Jail Massacre: A Case Study,” in *Ibid.*, 144-147. “Study of a Jail,” in *Ibid.*, 173.

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As one can see in the table, various groups in West Bengal were working for the rights of Naxalite prisoners. For example, an early report was published in 1973 and was titled “Calcutta Presidency Jail: A First-Hand Account”.²⁹ This report was based on the experiences of 25 recently-released prisoners. It describes the dirty conditions of the jail kitchen and the quality of food, the corruption in jail administration, overcrowding of the jail cells, torture, bribes, instances of sex trafficking among male prisoners, difficulties in getting an audience with their families, absence of medical facilities and discrimination among prisoners.

A second type of initiative was to make representations on behalf of political prisoners to government established commissions. In 1975, the Bandi Mukti Parishad (BMP) and West Bengal Association of Democratic Lawyers (WBADL) made representations to the Sarma Sarkar Commission with regard to a “jail break” incident in the Howrah Prison. The Commission was set up by the state government in 1975 to investigate the reported deaths of political prisoners in jails across West Bengal. In their statements, BMP and WBADL activists pointed out that there had been several violations of the Jail Code in the accommodation and treatment of Naxalite prisoners in the prison. They also highlighted the loopholes and contradictions in the statements of the Prison Directorate. The official account stated that the Naxalite prisoners had attempted to escape the jail by using arms or bombs and were killed in the combat that ensued between the prisoners and the jail authorities. In contrast, the two groups pointed out:

In spite of the special watch kept on them, the admitted search on May 1 and the stringent precautions observed even in passing articles of food, it is difficult to believe that the three Naxalite prisoners could conspire with... and collect chili powder, brickbats and bombs... The three bombs, allegedly used by the prisoners, on

²⁹ Special Correspondent, “Calcutta Presidency Jail: A First-Hand Report,” *Economic and Political Weekly* 8, no. 51 (1973).

examination by explosives experts, were found to be three paper balls tied with jute strings.³⁰

The two groups also pointed to the possibility of torture by stating that the bodies of the prisoners were severely battered and bruised. The Sarma Sarkar Commission submitted its report in 1975 (its conclusions could not appear in the Indian press due to censorship but were published in the *London Observer* on April 8, 1979). The report confirmed that at least one of the prisoners, Shankar Chatterjee, who according to the official sources had died in an attempted jail break, was in fact tortured and killed by the prison authorities.

A third type of initiative by regional groups was to collect information that would serve as preliminary data for subsequent fact-finding investigations. Regional groups generated primary data and acted as ground support for the Delhi-based civil rights groups when the latter visited the site. In Andhra Pradesh, for instance, a group by the name of Organisation for the Protection of Democratic Rights (OPDR) prepared a record of 143 alleged Naxalites who were killed in encounters between 1969 and 1974. This record carried details like the date of the arrest and the date and place of death of each person. This data provided the background information to the Civil Rights Committee that visited Andhra Pradesh for fact-finding in 1977.

Quite often, the Delhi-based groups learnt about the local situation through regional civil rights groups or movement groups. Reports generated by the Delhi-based groups often acknowledge that regional activists brought a particular situation to their attention as the mainstream media failed to report the events. For example, a 1978 report on encounter killings in Punjab states, “[I]n response to the requests of various mass organisations in Punjab, the Punjab Civil Rights Committee was set up in October 1977 to gather facts about deaths of alleged Naxalites that are said to have occurred during encounters in the Punjab”.³¹ The Delhi-based teams

³⁰ Kalyan Chaudhuri, “The Howrah Prison Killings: Story of a ‘Jail Break’,” *Economic and Political Weekly* 12, no. 17 (1977): 674.

³¹ V.M. Tarkunde et al, “Punjab Political Killings,” as reproduced in *Mainstream* 17, no. 8 (1978): 7-29.

formally or informally incorporated regional movement groups or activists. The committee in Punjab, for instance, was set up by the CFD and had members from both Delhi and the High Court of Punjab and Haryana.³² It was only after the Emergency that groups and activists could own and author the reports without putting themselves at risk. The national groups—set up after the Emergency—had the advantage of better access to the national media, government and the judiciary to amplify the concerns of the regional groups.

Additionally, public enquiries had come to acquire a new-found legitimacy in the 1970s. As the Emergency was lifted and the Janata government came to power, it established the Shah Commission to enquire into the abuses of law during the Emergency period. Justice J.C. Shah, who was heading the commission, referred to its work as a fact-finding exercise at its core.³³ In the light of a national presence and influence of the practice of fact-finding, various individuals and civil rights activists took to investigative fact-finding visits and published reports. The table below lists some of the earliest national fact-finding investigations or reports generated upon the formal establishment of civil rights groups.

Table 2: Key fact-finding investigations undertaken by Delhi-based groups in the 1970s

Sr. No.	Month and Year	Organisation	Title and Publication details	Subject matter	Members
1.	May and June 1977	Civil Rights Committee set up by Citizens for Democracy	“Encounters are Murders: Tarkunde Committee Report,” <i>Economic and Political Weekly</i> 12, no. 21 (1977)	Killings of alleged Naxalites during the Emergency	V.M. Tarkunde, B.G. Verghese, Arun Shourie, Nabakrushna Chaudhury, K.G. Kannabiran, M.V. Rama Murthy, Kaloji Narayana Rao, Balwanth Reddy, Pratap Reddy

³² The Committee was headed by Tarkunde. Other members of the Committee were Kuldip Nayar, Editor, Indian Express News Service, Dara Singh, Advocate, Punjab and Haryana High Court, Roshan Lal Batta, Advocate, Punjab and Haryana High Court, Arun Shourie, Senior Fellow, ICSSR and Ashok Panda, Advocate, Supreme Court.

³³ Special Correspondent, “Probe Panel Only a Fact-Finding Body, Says Justice Shah,” *The Times of India*, May 6, 1978.

2.	October 1977	Punjab Civil Rights Committee	“Punjab Political Killings,” <i>Mainstream</i> 17, no. 8, (1978)	Killings of alleged Naxalites	V.M. Tarkunde, Kuldeep Nayar, Dara Singh, Roshan Lal Batta, Arun Shourie, Ashok Panda, Darshan Singh Katkar, Bant Singh Manuke, Giani Ajit Singh
3.	July 1978	Vigilance India	“Report on Police firings in Agra,” <i>Mainstream</i> 16, no. 48, (1978)	Police firing on workers in the Agricultural University, Agra	Suman Dubey and Inder Mohan
4.	November 1978	People’s Union for Civil Liberties (Delhi)	“Repression in Andhra,” <i>Mainstream</i> 17, no. 19 (1979)	Factors leading to the declaration of two districts as “disturbed”	Ashwini Ray, Mohan Ram, C.V. Subba Rao, Sudesh Vaid, Ashok Panda
5.	March 1979	People’s Union for Civil Liberties (Delhi)	“Repression in Singhbhum,” <i>Mainstream</i> 17, no. 32, (1979); also available on the PUDR website	Police firing in Bihar	Dalip S. Swamy, Suman Dubey, George Matthew, Anjan Ghosh, Aurobindo Ghosh, Ashok Kr Panda
6.	October 1979	People’s Union for Civil Liberties (Delhi)	“Police Massacre in Faridabad,” <i>Economic and Political Weekly</i> 14, no. 44 (1979)	Police firing in Faridabad	Three-member team, names not disclosed by the organisation

While regional groups undertook fact-finding exercises before the Emergency to secure immediate relief in unfolding local political situations, civil rights groups who undertook these exercises after the Emergency began to use fact-finding in a routine manner as a sustained mode of activism.

The Arrival of “Strange *Babus* from the Cities”³⁴: Fact-Finding Post-Emergency



Figure 2: A PUCL Delhi fact-finding team with local people in Bihar, 1979. Source: Ashok Panda

This section delineates the key elements of the practice of fact-finding as a civil rights strategy by looking at the reports generated between 1977 and 1980. The reports this section examines are: the Andhra Pradesh Civil Rights Committee Report, 1977; the Punjab Civil Rights Committee Report, 1977; the PUCL (Delhi) fact-finding Report in Andhra Pradesh, 1978; and the PUCL (Delhi) Singhbhum, Bihar fact-finding Report, 1979. From an examination of these reports, the section identifies and develops three distinct elements of the practice of fact-finding. However, in order to appreciate the key features of the reports, let us briefly acquaint ourselves with the political context in which the fact-finding teams were set up.

³⁴ This phrase appears in the acknowledgements of a 1978 Andhra Pradesh fact-finding report. The team that authored it referred to themselves as the peasants whose concerns they enquired into would refer to them.

The Andhra Pradesh Civil Rights Committee, 1977 was appointed by the CFD under the chairmanship of Tarkunde with members from both Delhi and Andhra Pradesh.³⁵ It was set up to investigate 33 cases of encounters of Naxalite political prisoners during the Emergency period.³⁶ This number was only a small fraction of the total number of prisoners that had died in the counter-insurgency operations against the Naxalite movement. According to the estimate of the Amnesty International, “214 people had died between 1968 and 1977”.³⁷ Of these, the Committee took up only the most recent cases due to feasibility concerns. It collected enough evidence and testimonies to establish that 19 of those dead were shot by the police in cold blood, that they were not killed in encounters. The team produced two interim reports on May 12, 1977 and June 16, 1977, and its final report was submitted to the Prime Minister, the Home Minister and, to the press. Based on their findings, the committee demanded a judicial commission to investigate all the other cases of encounters. In response, the central government asked the state government to institute a judicial enquiry, which was set up under Justice Vashist Bhargava. The Committee deposed before the Bhargava Commission and brought 25 witnesses in the hearings of the judicial enquiry.

³⁵ Other members of this committee were Nabakrushna Choudhury, M.V. Ramamurti, Kaloji Narayan Rao, B.G. Verghese, Balwant Reddy, K. Pratap Reddy, K.G. Kannabiran and Arun Shourie.

³⁶ A.R. Desai, ed. *Expanding Governmental Lawlessness and Organized Struggles: Violation of Democratic Rights of the Minorities, Women, Slum Dwellers, Press and Some Other Violations* (Bombay: Popular Prakashan, 1991), 294.

³⁷ Amnesty International Report as reproduced in *Violation of Democratic Rights in India*, ed. A.R. Desai, (Bombay: Popular Prakashan, 1986), 209.

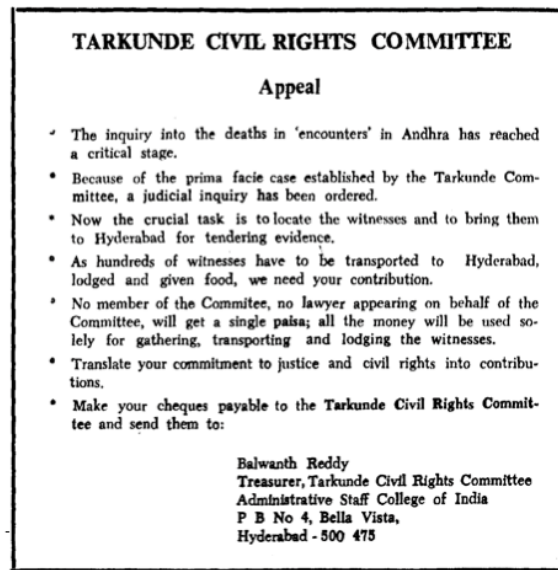


Figure 3: An appeal for donations issued by Tarkunde Committee from the mid-1970s. Date not known. Source: sacw.archive.net

However, in 1978, the Andhra Pradesh government argued that the open and public nature of the hearings brought down the morale of the local administration and the police. It asked the Commission to hold its hearings *in camera*. The Committee objected to this proposal on the ground that holding the hearings *in camera* would severely compromise the safety of the witnesses and refused to cooperate with the Commission any further. In June 1978, the Bhargava Commission wound up without submitting any report as its term expired. This was indicative of a political stalemate for civil rights groups. Since law and order was a state subject, the central government often abdicated its responsibility to institute an enquiry against the violations exposed by civil rights groups. The state governments, predictably, would be extremely reluctant to institute an enquiry against their own officials and police.

The second fact-finding report was produced by the Punjab Civil Rights Committee, which was instituted in October 1977 by the CFD under the chairmanship of Tarkunde. It had a similar mandate of exposing the encounter killings of eight Naxalite prisoners between 1970 and 1976. The Committee collected evidence and testimonies around these deaths and published their report. A representation was made to the Punjab Governor and to the Union Minister for State and Home

Affairs to secure a judicial enquiry into the matter. The matter was also raised in both the Lok Sabha and the Rajya Sabha as well as in the Punjab Assembly.³⁸ A delegation also met Indira Gandhi (who was then in the opposition) over the matter. However, no action was taken.

The third fact-finding team was set up by the PUCL, Delhi in 1978 to investigate cases of police firing on peasants in Andhra Pradesh. Once the Emergency was lifted, sections of the peasants in Telangana had started to organise themselves as Ryot Coolie Sanghams (peasant organisations) and were closely associated with the CPI(ML). The districts in which the unrest occurred were declared as “disturbed” under the Andhra Pradesh Suppression of Disturbances Act, 1948. The Act gave wide powers to the police personnel to open fire without warning and allowed for various forms of protection for the officers. The fact-finding team was led by Aswini Ray, who was then a professor at Jawaharlal Nehru University, and consisted of members of the PUCL’s Delhi unit as well as some additional members of the intelligentsia.³⁹ The team’s report from this visit highlighted the extreme inequalities in land allotment and ownership in the region as well as the collusion between the state authorities and the landlords in the area.

The final fact-finding report under examination was instituted by the PUCL, Delhi in 1979. It investigated cases of police and landlord firing on peasants in Singhbhum, Bihar. The Forest Development Corporation (FDC) in the area had begun clearing the naturally-present *saul* (Shorea robusta) trees to plant the highly-priced teak trees. A tribal agitation had intensified in Singhbhum in mid-1978 against this move. The tribal people protested and began to claim their ancestral lands. This agitation eventually transformed into a movement demanding statehood for Jharkhand (which was then a region of the state of Bihar). In response, there were numerous incidents of police action and firing, lathi-charges⁴⁰ and arrests of the agitating tribal people. The PUCL, Delhi

³⁸ Tarkunde, et al, “Punjab Political Killings,” 9.

³⁹ Other members of the committee were Mohan Ram (a New Delhi-based journalist who was an invited member) C.V. Subba Rao, Dr Sudesh Vaid (Delhi University) from PUCL, Delhi and Dr Ashok Panda (Supreme Court).

⁴⁰ The term for a coordinated police action to restore the breakdown of law and order. The *Cambridge Dictionary* defines it as “an occasion when a large group of police run forward in an attacking movement carrying their sticks”.

sent a team to Bihar to investigate the incidents of firing. The team had secured an appointment with the Bihar Chief Minister Karpoori Thakur (which was eventually cancelled) and with JP, whom they met to discuss their findings.

The process of preparing a report like the ones discussed above typically involved the following steps and elements: one of the Delhi-based groups would be approached by a regional movement group to set up a fact-finding team. Members of the Delhi-based group would volunteer to constitute a team. They would invite a public figure to join their investigation if they thought it would enhance the credibility of their effort. Team members would fund themselves and pool in resources to cover for those in the team who could not afford the travel. The team would spend four to six days in the field. On their return, they would share their findings with the organisation and prepare the report.

Fact-finding reports varied in length; however, the ones examined in this chapter are usually of six to 14 typed pages. Once ready, the reports were released to the press, sent to ministers and relevant government departments, and distributed by hand to local and national activist networks. They were also sold at university bookstores as small booklets and published as articles in social science journals like *Mainstream* and *Economic and Political Weekly*. The reports do not follow a standardised format in their presentation. However, a report would typically contain the following thematic sections: a statement of the team's mandate and the context in which it was constituted; a summary of the political and social circumstances under which the incident being investigated took place; witness testimonies; conclusions; and a list of demands or suggestions.

Based on a reading of the above-mentioned reports, I argue that the practice of civil rights fact-finding contains three core features: a) legalisation of people's recollections b) re-narration of events, and c) exposé of official cover-ups. Let us examine each of these features.

i) Legalisation of People's Recollections

One of the first noticeable features in the practice of fact-finding was the attempt to legalise individual memories by converting them into legally-acceptable testimonies. The practice of fact-finding converted people's recollections into a legally-useful artefact. The teams systematised, verified and documented testimonies in the form that would render them acceptable to a judicial commission or a court. The testimonies were published along with a declaration from the team members stating that they had recorded the testimony and had verified it with the witness upon writing it down; the declaration also mentioned the date and time of the testimony. For example, the Andhra Pradesh fact-finding report contains the following statement from a team member at the end of a witness testimony: "I have recorded the above. After recording them, I read it out to Mallamma. She said that the above is a correct record of what she had said. Kaloji Narayan Rao, Member, Tarkunde Committee, 30-7-77".⁴¹

Additionally, the fact-finding teams often recorded statements in the presence of lawyers who knew the norms and rules of the criminal justice system. The following excerpt shows a familiarity with the notions of initial evidence and corroborating evidence in the report:

Bhikshapati is a crucial witness as he has testified that he actually witnessed the shooting down of four after they had been tied to trees. We are also releasing the statements of three other residents of the village who offer circumstantial corroboration. All the statements were recorded and written in the presence of Arun Shourie and Kaloji Narayanrao, members of the civil rights committee and three responsible residents of Warangal – Varavara Rao, poet and lecturer, P. Vithal Rao, advocate and S. Shankaraiah, advocate.⁴²

Thus, the validity of the sources that were cited and the admissibility of the report in the court of law were important concerns for the fact-finding teams in this period.

The teams also made efforts to collect information from multiple parties who could reliably shed light on a situation. Almost all the reports from the period emphasise that the teams had

⁴¹ V.M. Tarkunde et al, "Tortures, Killings, Threats," as reproduced in *Mainstream* 15, no. 50 (1977): 25.

⁴² Ibid., 23.

made sincere efforts to collect testimonies from as many parties involved as possible. For instance, the Andhra Pradesh fact-finding report states in its introduction:

In the course of its tour, it [the team] met legislators, activists of the civil liberties movement, political workers, lawyers, academics, journalists, landlords, peasants, agricultural and other rural labourers and officials. It also met many of the accused in various cases... The committee met scores of peasants from different villages who were living in Jagityala and report to the police station twice a day.⁴³

And the Bihar fact-finding report states in its introduction:

The team talked with a large number of people from all walks of life. These included administrators, police officers, forest officials, members of parliament, MLAs, political leaders, social workers, village Mundas and Mukhiyas, individuals injured in police firings, people beaten up by the police and scores of common people in the area.⁴⁴

The teams often found it difficult to get testimonies of senior members of the administration or the police. However, in the Andhra Pradesh fact-finding on encounter killings, the team procured an indirect testimony from a police official. A journalist reported his conversation with a junior official from the police department to the fact-finding committee. The teams also tapped into some important and unexpected witnesses who were in jail at the time of the torture or encounters. The Andhra Pradesh team found a key witness in Challa Narsimha Reddy, who was a senior criminal lawyer and was lodged in the same jail as the prisoners who had died.⁴⁵ Other reports mentioned the criteria used to determine the relevance of certain witnesses. The Punjab Civil Rights Committee report mentioned not only the people who were chosen but also why relying on their testimony was important:

The committee has received evidence from relatives and close associates of the victims, from villagers who were direct witnesses. We have evidence from individuals who saw the victims being taken into custody by the police, second from individuals who saw the victims while they were lodged in police custody, third, from individuals who saw them being taken to the spot where they were killed.⁴⁶

⁴³ PUCL, Delhi, "Repression in Andhra," as reproduced in *Mainstream* 17, no.19 (1979): 15.

⁴⁴ PUCL, Delhi, "Repression in Singhbhum," as reproduced in *Mainstream* 17, no. 32 (1979): 23.

⁴⁵ Incident mentioned by S.P. Mohana Rao in a booklet published in the memory of those who were killed in that encounter. See S.P. Mohana Rao, *Janardhan – People's Heart Beat* ed. Venugopal N. (Andhra Pradesh: Surapaneni Janardhan Rao Memorial Trust, 2012): 55.

⁴⁶ Tarkunde et al, "Punjab Political Killings," 7.

The teams met as many interested parties as possible to build the reputation of the fact-finding exercise as thorough and well-rounded accounts.

Thus, in writing the reports, the team members collected and converted multiple voices into legally-usable and admissible statements. Testimonies were collected from people who had seen the events in question first-hand. The legalisation of these testimonies helped the activists claim that their conclusions were balanced, reliable, relevant, accurate and more comprehensive than that of the police. The teams followed a certain set of practices commensurate with the law of the land to secure legitimacy and credibility for their findings in the eyes of the government, the press and the public.

ii) Re-narration of events

The second feature of the reports was the emphasis on re-narrating the events with detailed description of the context and history to counter the technical and depersonalised official records of the same events. The official descriptions of the encounters or deaths of political prisoners were in the form of generic statements that were uniform and devoid of details. For instance: “[T]wo unidentified Naxalites were killed in an encounter in the Yallandu forest”.⁴⁷ In such incidents, the police often claimed that a prisoner had attempted to flee the prison or the police jeep while being taken to the magistrate and was killed in an encounter.⁴⁸ Similarly, in incidents where the police had opened fire, the records would typically state that a crowd armed with stones, weapons or firearms had attacked a police team or a police station and that the police opened fire in self-defence. Official statements often described political prisoners as smugglers, anti-social elements or extremists. To counter such narratives, the fact-finding teams provided enough background information, context and interpretation that would aid public appreciation of the details of each case as well as of the demands that the movement groups made.

⁴⁷ Tarkunde et al, “Interim Report of the Civil Rights Committee,” 32.

⁴⁸ Tarkunde et al, “Punjab Political Killings,” 27.

Various events were re-narrated with details of the context in which the violations occurred and the sequence of events. Reports would often contain statements like: “On the basis of these interviews, we have been able to reconstruct the happenings at Ichahatu on Nov 6th as follows”.⁴⁹ The following excerpt from the Andhra Pradesh Civil Rights Committee report is an example of such a reconstruction of the circumstances that led to an encounter: “The police van which carried them was covered with tarpaulin to prevent the by-standers from seeing the persons inside. It appears they were shouting slogans and were also shouting out that they were being taken to be killed. The villagers in Asokanagaram heard their slogans and warnings”.⁵⁰ Such narratives were used to aid readers understand the situation better, analyse it and make a decision about how they would understand and judge a particular event.

Other reports re-narrate the events as a real-time account of the circumstances that led to the arrests made by the police. In the fact-finding conducted in Punjab, for instance, the report reads: “Several passers-by had stopped to observe what had happened. While some police men were overpowering baba, others told the passers-by to keep walking, to forget whatever they might have seen lest they themselves come to grief”.⁵¹ These details provided enough context around the event to raise doubts about the police or official version of the events in the eyes of the government, the press and the public.

Since the intended audience of the reports was not only the government or a judicial commission but also the public and the press, the reports also contained a description of the socio-economic conditions and background, the relevant laws and the implications of these laws for the local political context. For example, in the PUCL, Delhi investigation regarding the declaration of Jagityala and Sircilla in Andhra Pradesh (now Telangana) as disturbed areas, the report contains a section on the “socio-economic conditions” of the two places. It informs the readers about the

⁴⁹ PUCL, Delhi, “Repression in Singhbhum,” 23.

⁵⁰ Tarkunde et al, “Interim Report of the Civil Rights Committee,” 32.

⁵¹ Tarkunde et al, “Punjab Political Killings,” 26.

extreme inequalities in the land ownership patterns, the wage conditions, customary extractions made by landlords, social discrimination and of the false cases that were registered against peasant leaders. The report claims that “[B]y describing the situation in these two *talukas* as the result of “unlawful activities of extremists”, the government is denying both the legitimacy of the demands and the mass character of the peasant movement there”.⁵² The Bihar report from 1979 also elaborates on the socio-economic conditions, context and the demands of the movements:

During the last six months, a democratic movement for the implementation of minimum wage to agricultural labour has gathered momentum in this area. The movement is led by Kisan Samiti of the CPI(M). As a consequence of this movement, the prosperous land owners have been antagonised. They are using their *goondas* and the local police to terrorise the *Kisan Samiti* activists and to break up the movement.⁵³

In a similar attempt to enable an appreciation of the extra-ordinary powers that are provided to the police in situations of conflict, the Andhra Pradesh fact-finding report explains the implications of the declaration of an area as “disturbed” for the people who lived within it:

This act [the Andhra Pradesh Suppression of Disturbances Act (1948)] is a straight adoption of the Madras Suppression of Disturbances Act (1948) enacted at the height of the Telengana peasant armed struggle (1946-51) ... Under the act, offences against persons and property... which in the normal course, entail a punishment of life imprisonment can... attract capital punishment.⁵⁴

Several reports exposed the nexus between the administration and the police to prevent the people from mobilising themselves into a movement. Thus:

It is significant that the two *taluks* were notified “disturbed” after the landlords had met the Chief Minister to urge sterner police measures against the peasant movements. Political leaders, among others, confirmed to the committee that such a meeting did take place. A landlord himself, after initial denial, admitted that landlords had gone and met the Chief Minister.⁵⁵

Thus, to counter the generic and depersonalised official narratives, fact-finding reports reconstructed the events in question with details like the political background and a chronology

⁵² PUCL, Delhi, “Repression in Andhra,” 19.

⁵³ PUCL, Delhi, “Repression in Singhbhum,” 23-31.

⁵⁴ PUCL, Delhi, “Repression in Andhra,” 18.

⁵⁵ Ibid.

events in question. The reports drew out the linkages between a violation and its immediate political context. They interpreted the events that took place and placed their suspicions on record. Explanations of the laws involved in the case and details of the socio-economic circumstances that led to the movement or organised action in the area were provided. They amplified the issues that were at stake for the local movement groups and brought to the national audience both the concerns of regional movements as well as the difficulties that such movements faced vis-à-vis the local administration and police. Since the intended audience of these reports was not only a judicial commission but also the press and the public, the reports provide enough context and details for the event in question for it to become meaningful to an outsider.

iii) Exposé of Official Cover-Ups

The third element in the practice of fact-finding was locating gaps, outlining inconsistencies, and exposing fudged records within the police and administrative documentation and records. All the fact-finding reports in this period raise questions on the motives of the police and point to the various parts of the documentation that do not add up. For example, in the Andhra Pradesh fact-finding on Naxalite encounters, the report notes a delay in the notification of the deaths to the press and discrepancies between the medical and police records. It states that “the death of these boys was notified to the press on July 26th and 27th, 1975. They were actually killed on the intervening night of July 24th-25th, 1975”.⁵⁶ In another similar instance, in the fact-finding done in Punjab, the report notes that the statements of the police did not concur with the statements made by the Jail Superintendent on whether a certain prisoner was lodged in the said jail: “The police issued a statement to the press that Raunaq Singh had fled from the Ropar Jail. On February 22, 1971, the Ropar Jail Superintendent, Kalia, contradicted the police statement and affirmed that no

⁵⁶ Tarkunde et al, “Interim Report of the Civil Rights Committee,” 32.

Raunaq Singh had been lodged in the Ropar Jail”.⁵⁷ In this way, the teams juxtaposed one official record with another to highlight the inconsistencies and expose official records as fudged.

The team members also recorded impressions about any attempts made by officials to intimidate witnesses. In the case of the Andhra Pradesh report on encounter killings, the team followed their first interim report with another one which documented the attempts made by the government officials “in Andhra to intimidate the witnesses from deposing to the official judicial enquiry proceedings. Our committee has reported information about attempts made by officials of the Andhra Government... to put impediments in the way of the Bhargava Commission and to prevent it from getting to the truth. Information received by us suggests that vital records are being fabricated and tampered with”.⁵⁸

The reports documented instances of police abuse of legal provisions that were either loosely defined or contained some flexibility within them. For instance, in a case where the identity of those accused was not known, the police could file a case against unknown persons under the category “others”. This provision allowed the police to implicate newer persons within the process of investigation much after the lodging of the initial complaint. This power posed a potential threat to the people in that they could be implicated in existing police investigations. The Andhra Pradesh fact-finding team pointed out in its report that the police misused such loosely-defined provisions. “About 75 criminal cases... against 500-600 persons have been registered. But no charge sheet has been filed in any of the cases. In many of the FIRs the committee found that a few were named along with the “others” which means the police have the option of implicating whoever they want in these cases”.⁵⁹

⁵⁷ Tarkunde et al, “Punjab Political Killings,” 27.

⁵⁸ Tarkunde et al, “Tortures, Killings, Threats,” 23.

⁵⁹ PUCL, Delhi, “Repression in Andhra,” 17.

In other instances, the reports documented a breach of proper procedure or line of command. In the context of Andhra Pradesh police firing on a large group of people who had gathered for a public meeting, the report notes: “[T]he police actions were not ordered by competent officers on the spot, necessary precautions were not taken, and warnings not given, innocent people were arrested without warrants and the administration concocted charges and FIRs after the event”.⁶⁰ The teams also raised questions about the process followed by the police and local administration. In an investigation around police firing in Bihar, the report raised questions on why the Block Development Officer had not ordered a lathi-charge, as is the norm, before he resorted to firing on people and that the official records lied about it. “Why did the BDO and the police leave in the first place and return later to the site of the meeting? Why didn’t the BDO order a lathi charge as he claims to have done in the FIR?... Why did the police arrest people from miles away, people who were not even present at the meeting?”⁶¹ The fact-finding reports raised questions against specific defaulting actors within the police and local administration by holding them to account vis-à-vis the laws and procedures they ought to have followed.

Thus, the third significant element of the practice of fact-finding was to contradict, expose, and highlight the inconsistencies in the official narratives in order to question their credibility in the eyes of the press and the public. They brought governmental wrongdoing to the spotlight and exposed the biases and prejudices of state functionaries. These three elements, i) legalisation of people’s recollections, ii) re-narration of the events in question, and iii) exposing of official manipulation of the records, constitute the key elements of the practice of civil rights fact-finding investigations carried out in the 1970s.

⁶⁰ Ibid.

⁶¹ PUCL, Delhi, “Repression in Singhbhum,” 27.

Left-Legalism in Civil Rights Fact-Finding

As an oppositional practice that adopts a liberal legal discourse to construct, interpret and contest official narratives, often outside the courtroom and on behalf of left movements in India, the practice of fact-finding seems to have taken an interesting, ideologically-hybrid form. In this section, we shall attempt to understand this form.

The emergence of a range of law-oriented activist organisations and NGOs, associations of lawyers, and human rights activist groups has been understood to be part of a judicialisation of politics witnessed within the postcolonial world. Jean Comaroff and John Comaroff describe judicialisation of politics as a process whereby conflicts that were once fought “by means of street protests, mass demonstrations, and media campaigns, through labor strikes, boycotts, blockades, and other instruments of assertion, tend to more and more... find their way to the judiciary. The politics of revolution has given way to the politics of litigation. Class struggles seem to have metamorphosed into class actions” and in postcolonial nation-states “politics itself is migrating to the courts”.⁶² In the Indian context, Rohit De writes about the process of judicialisation of politics in early decades of independence. He argues that the adoption of a written Constitution with a list of fundamental rights and the provision of judicial review transformed the relationship between the state and the citizen. It also allowed for the emergence of a new field where more and more people took to constitutional remedies against state regulations.⁶³

Fact-finding investigations recast aspects of the theoretical propositions made by the scholarship on the judicialisation of politics. Firstly, undertaken largely on behalf of left movement groups, these investigations demonstrate that *the politics of litigation has not taken over the politics of revolution; in fact, the two modes of politics coexist with civil rights groups serving as a link between the them.* The

⁶² Jean Comaroff and John L. Comaroff, “Law and Disorder in the Postcolony: An Introduction,” in *Law and Disorder in the Postcolony* (Chicago: University of Chicago Press, 2006), 27.

⁶³ Rohit De, “Rebellion, Dacoity, and Equality: The Emergence of the Constitutional Field in Postcolonial India,” *Comparative Studies of South Asia, Africa and the Middle East* 34, no. 2 (2014): 261-62.

Comaroffs claim that a shift has occurred from one to the other, i.e., those who earlier attempted to bring about revolutionary transformation now work to reform the system by taking to litigation. Such a reading overstates the case and positions the parallel and linked existence of the politics of revolution and the politics of litigation as a succession from one to the other.

Secondly, the practice of fact-finding points to a process of judicialisation present in oppositional practices outside the courtrooms. Within the social science scholarship, the term “judicialisation of politics” usually refers to at least one of these three processes: an increasing political significance of the courts, an expansion in the kinds of issues that are brought to the courts, and lastly, a politicisation of the judiciary. Fact-finding investigations use legalised language and framework in spaces outside of the courtroom to claim a degree of legitimacy that the language of law brings. Most of the fact-finding reports published in the period examined in this chapter did not become part of a court case. However, this has not reduced the legalised character of the reports. As political allies of revolutionary movements, activists used a legalised language outside the court alongside approaching the courts for redress. Fact-finding teams were concerned with the legal norms and constitutional politics more than actual administration of justice in the courtrooms.

Finally, it is important to disaggregate the category of “people” to examine who, in fact, takes up legalised practices. Both De and the Comaroffs argue that “people” have taken to law in unprecedented numbers and have become more open to dealing with their problems by legal means. The Comaroffs write that “the upshot... is that people, even those who break the law, appear to be ever more litigious”.⁶⁴ Similarly, De argues that the courts and the Constitution had opened up new “avenues of subaltern engagement” in India. However, the cases examined in this study reveal that often, people did not take to courts by themselves; they used activist lawyers as specialist interlocutors to access courts. The practice of taking to the courts was neither

⁶⁴ Comaroff and Comaroff, *Law and Disorder in the Postcolony*, 25.

unmediated nor was it the first resort. Arguably, to understand the specific form that judicialisation takes in the sphere of movement politics, one needs to understand the motivation, history, and practices of the allies who provide pro-bono legal services and conduct fact-finding investigations, not as a one-off affair but as part of an institutionalised activism.

The most distinctive characteristic of the practice of fact-finding studied here was that it was a hybrid production of both liberal legalism and left politics. It was an example of what in a different context has been identified as left-legalism.⁶⁵ Although unconsciously, some activists adopted this framework due to their faith in the notion of the rule of law and their optimism regarding the Indian Constitution. For others, left-legalism was a tactical second choice in the absence of a left revolution. In terms of its liberal-legal component, the practice of fact-finding remained committed to constitutional politics and to seeking redress by invoking law, rights of citizens, and justice. The reports often demanded setting up of a judicial commission to investigate a situation, withdrawal of cases against members of movement groups, restitution of the rights of the prisoners, and prosecution of those guilty of torture in prison. The reports were written in a form that was congruent with legally-admissible rules of evidence. They were mindful about dates, figures, locations, sequence of events and the relevant laws in each situation. Witness testimonies were collected, verified and their relevance stated. The teams abided by the laws of the state they visited, including those around access to certain areas and prohibitions, if any. They also respected curfews or governmental prohibitions. In all these ways, fact-finding as a mode of politics operated within the norms of liberal constitutional legalism.

In addition, the practice of fact-finding remained mainstream in one other way. Activists drew on a notion of respectability that people within the government and administration would identify with. They deployed the ‘credibility’ that sections of the middle classes enjoyed within the

⁶⁵ See Wendy Brown and Janet Halley, “Introduction,” in *Left Legalism/Left Critique* (London: Duke University Press, 2003).

societal mainstream. In this respect, activists who undertook fact-finding investigations were insiders; they were part of the press, public universities and the judiciary. This helped them establish both their independence and their impartiality in the eyes of the government as well as of the public. They utilised this ‘respectability’ and mobilised it on behalf of movements. Thus, the practice of fact-finding operated within, and accepted, the dominant domain of liberal legalism. It also gained from the influence wielded by a certain section of the middle classes in India.

However, the same practice was also marked by a discursive opposition to official narratives and an ideological opposition to liberal democracy. Civil rights groups mounted a discursive contestation in the hope that the changes in the meanings that terms come to convey will have a bearing on the rights and legal remedies that were made available to political prisoners. All the reports examined here tried to empty terms like “jail break”, “disturbed area”, and “encounter” of their official meanings and get them to be understood as attempts to conceal murders by police, torture, abuse of extraordinary powers and extra-judicial killings. For example, the Punjab Civil Rights Committee reiterated: “[O]n the basis of the evidence that we have received from a very large number of witnesses... we are convinced that none of the eight deaths occurred in an “encounter”. We are convinced that no “encounter” took place, that each of the deaths was a cold-blooded murder by the police”.⁶⁶

At other times, the reports turned the accusation of the administration around. For example, the Bihar fact-finding report charged the local administration and police with the same violations that the police accused movement-based groups of. It placed the blame for creating terror on the police and not on the groups, whom the police accused. The report argued that there was “no extremist terror in Singhbhum, there is however terror created by the police in collusion with certain vested groups like the forest officials, contractors and administrators”.⁶⁷

⁶⁶ Tarkunde et al, “Punjab Political Killings,” 31.

⁶⁷ PUCL, Delhi, “Repression in Singhbhum,” 24.

The ideological opposition of left-legalism to liberal democracy is signalled by the fact that several civil rights groups emerged in the context of the arrests made of the alleged Naxalites. The issues that they have taken up are often in alliance with the left movement groups and trade unions. Several members of the PUCL and PUDR identify themselves as being ideologically left, though only a few are part of parliamentary left parties. This simultaneous commitment to liberal procedures and left politics makes the practice of fact-finding a left-legalist one.

Left-legalism is a political practice that brings together a belief in law and state-centred legalism on the one hand and left theoretical critique of liberal democracies on the other. As a framework, left-legalism is not new; nor did civil rights groups invent this practice in India. In a book titled *Left Liberalism/Left Critique*, Wendy Brown and Janet Halley use the term left-legalism with some contempt for it. They argue that when left and progressive movements begin to make demands for rights that are to be enforced by the state, or start using the law for left politics, they imbue in their left politics legalism which “defangs” the politics of the left. They write that the “[L]eft’s current absorption with legal strategies means that liberal legalism persistently threatens to defang the left we want to inhabit, saturating it with anti-intellectualism, limiting its normative aspirations, turning its attention away from the regulatory norms it ought to be upending and hammering its swords into boomerangs”.⁶⁸

They argue that issues like racial justice, affirmative action, sexual harassment, displacement, and concerns around distribution of resources, that were first raised in radical left protests, have over time become questions of legal reform. Within the scholarship on social movement in India, in particular on the women’s movement there is a considerable body of work that is mindful of the issues Brown and Halley raise. Nivedita Menon, Ritu Menon and Ratna Kapur, and Rajeswari Sundar Rajan have raised concerns around the efficacy of law as well the

⁶⁸ Wendy Brown and Janet Halley, “Introduction,” in *Left Legalism/Left Critique* (London: Duke University Press, 2003), 5.

limits of its emancipatory potential.⁶⁹ They also raise the issue of the constraints that the practice of seeking legal remedies imposes on the larger project of feminist transformation. They are aware that legal reforms at best remain partial and limited, homogenising the varied experiences of womanhood and vesting more powers with the state. These scholars also argue that changes in the law do not necessarily change relations of power in society. Several movement participants as well as scholars see their turn to law as contingent and for a specific purpose. However civil rights groups are distinct from social movement groups when it comes to taking recourse to the law. For movement groups, turning to the law is among the many modes of their activism. For civil rights groups, given the absence of mass mobilisation, legal activism is central to their work.

To understand the emergence and practice of fact-finding as representing left-legalism in India, we need to consider the specific relationship the Indian left has had with 'liberal' values. A core liberal value is a belief in the centrality of the state and law as the guarantor of equality and freedom of the individual. In contrast, its left critique sees liberalism to be a political order that is based on class privilege. From the left's point of view, a liberal democracy cannot bring about substantive freedom or equality given that its economic premise, capitalism, is inherently exploitative. Therefore, for those on the left, both the state and the law remain instruments in the hands of the already advantaged. Many activists within the PUCL and the PUDR have subscribed to this left critique. They have considered the law (particularly laws that allow extraordinary powers to the police and the army) a tool for suppressing movements. At the same time, they have used the contradictions within the law to seek relief for movements while maintaining an overall critique of it.

⁶⁹ See Nivedita Menon, *Recovering Subversion: Feminist Politics Beyond the Law* (New Delhi: Permanent Black, 2004); Ritu Menon and Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism* (London: GlassHouse, 2005) and Rajeswari Sunder Rajan, *The Scandal of the State: Women, Law, Citizenship in Postcolonial India* (Durham: Duke University Press, 2003).

In her work on liberal thought in India, Rochana Bajpai refers to radical liberalism as one of its strands. She argues that “[M]ost thinkers and movements on the left of the political spectrum in India have defended liberal values”.⁷⁰ The focus of a large section of the left on reforming labour laws and initiating agrarian and industrial reform was an attempt to make communist politics work within the framework of a liberal democracy. A whole generation of people in postcolonies like India had faith in the ability of the law and the constitution to promulgate a radical break from the past. Granville Austin refers to the Indian Constitution as a “seamless web” that contains the three strands of social revolution, democracy and unity-integrity. In this “web”, the Marxist revolution was united with a liberal democratic structure. This initial optimism created a generation of left activists, intellectuals, lawyers, journalists and public figures who saw popular movements as a political voice that needs to be heard and supported. As broadly left leaning, they saw their role not in destabilising the fundamental social and political system or in creating a people’s republic in its place, but in institutionalising the radical aspirations of the left within the law and the Constitution.⁷¹ I see civil rights activism in general, and fact-finding investigations in particular, as a civil society-based manifestation of this long-established political tradition in India that seeks to institutionalise radical aspirations.

Missteps Along the Way: Fact-finding as a Tight Rope Walk

Predictably, such a negotiation between the two opposed worlds of liberal legalism and left politics could not be easy. While this negotiation had a political edge, it also backfired as a strategic practice. Within the period covered in this chapter, there were at least two moments that exemplified this tension between liberal legalism and left politics. The first was in the late-70s in the context of a proposed fact-finding investigation by the CFD at Marichjhampi in West Bengal. A fact-finding investigation was proposed in the wake of several reported deaths by police firing on Bangladeshi

⁷⁰ Rochana Bajpai, “Liberalisms in India: A Sketch,” in *Liberalism as Ideology: Essays in the Honour of Michael Freedman*, ed. Ben Jackson and Marc Stears (Oxford: Oxford University Press, 2012), 69.

⁷¹ D.L. Sheth, “Structure of Indian Radicalism,” *Economic and Political Weekly* 10, no. 5/7 (1975).

refugees who were to be evicted from the islands of West Bengal by the order of the state government. On hearing about the proposed fact-finding, the Chief Minister of West Bengal, Jyoti Basu, (who was considered a fellow companion in the anti-Emergency struggle and had a considerable clout among the civil rights activists) requested the CFD to cancel the investigation. Basu wrote to Tarkunde requesting him to call off the visit by the fact-finding team and Tarkunde obliged. Nilanjan Dutta quotes a letter Tarkunde wrote to Niranjan Haldar from the APDR in 1979, upon being contacted by Basu:

Our purpose of taking a delegation to Marichjhampi was to ensure as far as possible that refugees there are treated as human beings and not subjected to enforced starvation. But, if as a result of our visit the refugees are likely to be strengthened in their determination to continue their illegal stay, as suggested by Jyoti Basu, the advisability of undertaking such a visit requires to be reconsidered.⁷²

Thus, while a degree of proximity to the government was required in order to be able to lobby with it, this proximity could also result in undesirable influence, particularly by a left government on the agenda of civil rights groups.

In the second case, proximity to the local movement led by the CPI(ML) led to detention and harassment of the team members. The PUCL, Delhi team that went to Singhbhum, Bihar had collaborated with a local activist from the CPI(ML). It was probably his inclusion in the team that irked the local police. The police interrupted the fact-finding investigation by detaining the members. In its report, this team describes the episode thus: “In the Baharagora area, we sought the help, among others, of the Communist Party of India (Marxist-Leninist) which has been trying to organise the rural poor to press for their rights”.⁷³ The local police authorities arrested and detained the team. The police first tried to persuade the team stating that it was the CPI(ML) that was creating terror in the area and was responsible for the deaths of the farmers, not the police. As the Assistant Sub-Inspector of the police group learnt that a party member was present in the

⁷² Nilanjan Dutta, *Rights and the 'Left': West Bengal, 1977-2011* (Kolkata: Setu Prakashani, 2015), 19.

⁷³ PUCL, Delhi, “Repression in Singhbhum,” 30.

team, “He went berserk. Losing control of his temper, he shouted at Goswami⁷⁴ who it transpired had written a letter of complaint to the higher authorities asking for an apology from the police for their maltreatment of some Kisan Samiti activists”.⁷⁵ The team was detained by the police for nine hours and “subjected to abuse, lathi and rifle-butt blows and released only after being made to submit personal recognition bonds”.⁷⁶ The police stopped the investigation in that area and ‘escorted’ the team out of Baharagora area and to Jamshedpur.

These two incidents illustrate that the practice of fact-finding involved a tightrope walk. It had a complex and contingent relationship with both the formal juridical domain or the government as well as left movements in the country. An inordinate proximity either with the government or with left revolutionary movements could result in a loss of credibility of the practice.

Conclusion

Why did civil rights groups choose fact-finding as their most frequent and consistent first response? The answer to this question lies in the nature of the events and practices that they opposed. A defining feature of official abuse of power is that it is made invisible and denied; the suffering of the victim is hidden, minimised and concealed in official records. Therefore, to oppose such violations these had to first be exposed and recorded. Civil rights activism involved exposing what the police and local administration attempted to conceal. Additionally, such investigations played a key role in attributing criminal responsibility and laying out the groundwork for subsequent judicial investigations.

⁷⁴ Prasun Goswami was in the state committee of the CPI(M).

⁷⁵ PUCL, Delhi, “Repression in Singhbhum,” 30.

⁷⁶ Ibid.

Given the centrality of fact-finding investigations to civil rights activism, an analytical examination of the practice was long overdue. This chapter shifts the focus from the verdicts of the various civil rights fact-finding reports (in which there has been considerable scholarly interest), to the elements that constitute this practice. To begin with, the chapter situated the practice of fact-finding historically in the tradition of the enquiries that have been part of oppositional politics in India since the anti-colonial movement. In independent India, fact-finding re-appeared in the 1970s as part of the tactical repertoire of civil rights groups in their role as movement allies. The decade of the 70s saw the emergence of a dense network of groups in the form of various social movements. Alongside these movements, civil rights groups emerged (particularly those based in Delhi) to aid and do advocacy for movement groups. Their location in the national capital and the resultant proximity to the national media, government and the judiciary allowed them to amplify the concerns of regional movements, provide legal and financial aid to regional activists and expose police excesses by conducting fact-finding investigations and reports.

To identify the key features of fact-finding, this chapter examined some of the earliest reports from the 1970s and argued that civil rights fact-finding involved: i) the collection and conversion of people's recollections into legally-admissible testimony; ii) a re-narration of the events in question with a detailed description of the sequence of events and the contexts of violation; and iii) exposing the administration and the police by locating gaps, highlighting inconsistencies, and exposing records that were fudged within the official documentation. These reports raised suspicion over the police narratives and records of the local administration and attempted to discredit them. A central aspect of these investigations was to contest official classification of the crime, i.e., to bring about a semantic shift where the term "encounter" came to mean "murder" or "extra-judicial killing".

The practice of fact-finding was based on both an imitation of liberal legalism as well as an opposition to it. Fact-finding investigations imitated the form and structure of the criminal

justice system so that the information generated could be admitted in courts. The release of the reports was followed up by demands for a judicial commission of enquiry or filing of cases in the court. But these were undertaken in sympathy with movements that did not recognise the authority of the court or the 'bourgeois' law. The foregoing examination of the practice of fact-finding in the context of civil rights activism reveals a unique and amphibian like position of this practice as it both belonged to, and navigated through, the opposed worlds of liberal legalism and left politics. The team members of the fact-finding enquiries too straddled these two worlds. They had acquired the trust of those involved in revolutionary movements; at the same time, they enjoyed some reputation in the eyes of the government and mainstream society.

Their practice required civil rights activists and groups to make complex and contentious negotiations. Unsurprisingly, they often encountered politico-ethical dilemmas during their activism. The next chapter examines the politico-ethical debates that took place within and between civil rights groups to understand the making of their organisational identity as movement allies.

Chapter 4

Politico-Ethical Debates in Civil Rights Activism

In the event of the state resorting to repression, do the people have the right to resist?
What should be the form and the modus operandi of such movements? Supposing the
movements become lawless and violent, how should such movements be treated?

-G. Haragopal and K. Balagopal.¹

Introduction

Civil rights activists have often reflected on normative questions and searched for a set of shared, general, and internally-consistent principles to act upon. The questions in the quote mentioned above were raised by G. Haragopal and K. Balagopal, both of whom were active in the APCLC. Others like Smitu Kothari and Harsh Sethi asked similar questions of themselves and their fellow activists. For instance: “How are we to react to the violence that the ‘revolutionary’ groups engage in – be it against the state apparatus, other revolutionary groups, or against a general mass of the population?”² Similarly, in the context of communal violence, in which the government and local administration were complicit, civil rights groups wondered who the appropriate appellate authority would be. “When communal violence is at its fever pitch, do we have any instrumentality other than the state to appeal to?”³ These questions had both a political dimension (i.e., to do with strategy formulation) as well as an ethical dimension (i.e., to do with developing a code of conduct for themselves). They led to debates that had a bearing on how civil rights groups understood themselves. This chapter analyses two major debates that took place within and across civil rights groups. The aim is to examine how they shaped the organisational identity of civil rights groups.

¹ G. Haragopal and K. Balagopal, “Civil Liberties Movement and the State in India,” in *People’s Rights: Social Movements and the State in the Third World* eds. Manoranjan Mohanty, Partha N. Mukherji, and Olle Törnquist (New Delhi: Sage, 1998), 366.

² Smitu Kothari and Harsh Sethi, *Rethinking Human Rights: Challenges for Theory and Action* (New Delhi: Lokayan, 1989), 13.

³ *Ibid.*, 14.

During the interviews conducted for this research, several activists remembered and rehearsed, with remarkable intensity, the issues they debated with other activists or fraternal organisations. They had spent a good amount of time, individually and organisationally, contemplating their stance on a range of issues pertaining to their role and the context within which they operated. This chapter draws on two issues that came up repeatedly in their narratives. Posed in terms of questions, they were: i) Under what conditions, if any, could political violence of Naxalite groups be considered legitimate? And ii) Would civil rights groups consider only the appeals to the guarantees already codified in the Indian Constitution as valid rights claims? The chapter argues that these internal, politico-ethical debates have had a definitive impact on the organisational identity of civil rights groups as allies. This process of identity formation sets civil rights groups apart from their peers. In the case of a political party and a movement group, ideological outlook often shapes their organisational identity. However, the identity of a civil rights group does not shape in a similar manner because it is ideologically diverse in terms of its membership. This chapter shows that the organisational identity of civil rights groups was framed through these debates, which took place in the course of their activism.

In this chapter, debates are understood as instruments that help a group develop a frame for itself. I borrow the idea of framing from political sociologists and scholars of social movement studies who use it to refer to how groups perceive, process and communicate reality. Framing involves a “collective processes of interpretation, attribution and social construction”.⁴ In the context of movement groups, debates over whether a political moment is ripe for action, how to mobilise people, decide on the terms that should be used to represent an issue, and how a group should present itself to the people—are all instances of the process of framing. The following section introduces the notion of framing within social movement studies with an eye on the role of internal debates as a framing activity. It then outlines the reasons behind the occurrence of these

⁴ Hank Johnston and John A. Noakes, “Frames of Protest: A Roadmap to a Perspective,” in *Frames of Protest: Social Movements and the Framing Perspective* (Lanham: Rowman & Littlefield, 2005), 2.

debates within civil rights groups and the usefulness of this perspective for their study as ally groups.

Internal Debates as a Process of Framing Ally Identity

In the 1980s, Robert Benford and David Snow as well as Doug McAdam developed the idea of framing, which became widely recognised as one of the central approaches to understand the dynamics present within social movement groups.⁵ These scholars drew on sociologist Erving Goffman, who refers to framing as a “schemata of interpretation” by which activists “locate, perceive, identify and label” social phenomena and the issues at hand. Framing helps activists “organise experience” and “guide action”.⁶ In other words, it is a process by which groups interpret the issues at stake, debate, and make sense of them to ascertain whether and how they participate in collective action. Benford and Snow argue that collective action frames produced through the process are used for either discursive campaigns or action-oriented ones, i.e., deployed to mobilise people.⁷ Social movement groups deploy frames for several goals. They use frames to mobilise people, to counter the media narrative, to appeal to the public and call for collective action, to convince outsiders about the perspective and the objectives of the movement, and to recruit new participants. Thus, framing is a process by which movement groups explain their actions, produce an interpretive scheme, highlight certain issues and ignore others.

Here, it is important to distinguish framing from the notion of ideology, which might seem like a similar concept. Benford and Snow argue that ideology—as a comprehensive set of interlinked normative ideas or belief systems—is a resource that contributes to the process of

⁵ Robert D. Benford and David A. Snow, “Framing Processes and Social Movements: An Overview and Assessment,” *Annual Review of Sociology* 26 (2000); Doug McAdam, “The Framing Function of Movement Tactics: Strategic Dramaturgy in the American Civil Rights Movement,” in *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. Doug McAdam, John D. McCarthy, and Mayer N. Zald (Cambridge: Cambridge University Press, 1996).

⁶ Benford and Snow, “Framing Processes and Social Movements,” 614.

⁷ Ibid.

framing. Also, as opposed to the notion of ideology, framing “is a more readily empirically observable activity”.⁸ This distinction is crucial to understand the framing done by civil rights activists, who could be observed having conversations and debates repeatedly in movement meetings and before undertaking campaigns. Indeed, as would be discussed below, the ideological outlook of the activists was one of the contributing components in the development of frames for civil rights groups.

Within the studies on the process of framing, a few have examined the role played by internal debates in particular in defining the organisational identity of movement groups. In a study of the framing process within peace groups that were active during the Persian Gulf War in the early 1990s, Patrick Coy and Lynne Woehrle argue that the frames used by Social Movement Organisations (SMOs) were rooted in “each organisation’s historical and public identity, intended audiences and contemporary motivations and organisational goals”.⁹ They argue that peace groups shared a set of ideological positions but also had some significant differences. “We analyze the differences in terms of how each organization constructed its public identity relative to its intended audiences”.¹⁰ The shared positions and the differences became both a means of future recruitment and a reason for organisations to splinter. In a similar mode of enquiry, Herbert Haines looks at the debates within the Amnesty International and the ACLU on the issues, respectively, of death penalty and drug legalisation. He argues that the positions that the two groups took were determined by their “organisational history and culture, framing vocabularies and the complexity of the membership bases”.¹¹ Haines claims that in deciding how it would target the issue that it intends to campaign about, an organisation also develops its own identity. Similarly, Benford analyses the “frame disputes” within the nuclear disarmament movement in the US in the 1980s

⁸ Robert Benford and David A. Snow, “Clarifying the Relationship between Framing and Ideology in the Study of Social Movements: A Comment on Oliver and Johnston,” *Mobilisation* 5, no. 2 (2000): 11.

⁹ Patrick G. Coy and Lynne M. Woehrle, “Constructing Identity and Oppositional Knowledge: The Framing Practices of Peace Movement Organizations During the Persian Gulf War,” *Sociological Spectrum* 16, no. 3 (1996): 287.

¹⁰ *Ibid.*, 295.

¹¹ H. Haines Herbert, “Dangerous Issues and Public Identities: The Negotiation of Controversy in Two Movement Organizations,” *Sociological Inquiry* 76, no. 2 (2006): 231.

and argues that the differences between the radical and the moderate sections of the movement were crucial in understanding the structure of the movement itself as well as its relationship with other organisations.¹² All these studies found that internal debates as framing processes have significant implications for the identity of the groups, the actions they take, and the outcome of their movements. Internal debates facilitate the process through which groups craft their identity and public image. I draw on these works to argue that the politico-ethical debates within civil rights groups constituted a framing process that built and solidified their identity as movement allies.

As allies, civil rights groups and activists often deliberated on which movement groups they would lobby on behalf of and advocate for. Each time they contemplated allying with a movement group, the political context and the groups they were allying with had to be considered afresh. This required civil rights groups to revisit some of their foundational questions. In this process, they often revisited the two issues of their perspective on revolutionary violence¹³ and how they defined the notion of rights that they would defend and support.

A remarkable feature of the debates that took place among civil rights activists was that they were fairly public. Activists often wrote about the debates, and almost all of them displayed a readiness to speak about it during interviews. Why did civil rights activists show the willingness to speak and write about their internal debates and dilemmas faced by them? Daniel J. Myers argues that as allies, activists often face a “credibility hurdle”, i.e., “they must go through a process of proving that they are aligned to the movement” since they are outsiders.¹⁴ Unlike the beneficiary

¹² Robert Benford, “Frame Disputes within the Nuclear Disarmament Movement,” *Social Forces* 71, no. 3 (1993), 677-701.

¹³ Revolutionary violence is the means adopted to denote a political rejection of an existing government’s authority and an attempt to provide a replacement for it through armed conflict between state forces and nonstate parties. Neera Chandhoke identifies three features of left revolutionary violence in India. Firstly, the proponents of revolutionary violence believe that highly unequal and structurally unjust societies like India can only be made just through acts that involve coercion. Secondly, revolutionary violence is aimed at replacing the Indian state by a people’s republic. And thirdly, that revolutionary violence in the form of a guerrilla war is in fact a recovery of agency by the people who have been rendered voiceless. See Neera Chandhoke, “The Ambiguities of Revolutionary Violence,” in *Revolutionary Violence Versus Democracy: Narratives from India*, ed. Ajay Gudavarthy (New Delhi: Sage Publications, 2017).

¹⁴ Daniel J. Myers, “Ally Identity: The Politically Gay,” in *Identity Work in Social Movements*, ed. Jo Reger, Daniel J. Myers, and Rachel L. Einwohner (Minneapolis: University of Minnesota Press, 2008), 175-8.

section, allies often debate the question of appropriateness of their response and the role that they must play to meet this credibility gap. They also often feel the need to demonstrate that they are well informed. As allies, they occupied a political position that had much in common with movement groups; at the same time, they retained a distance and separation from the movements they sympathised with. This was partly a result of their predicament of playing the role of a movement ally. As allies and outsiders, the boundary between offering solidarity but maintaining separation needed to be drawn afresh each time they deliberated upon providing their support for a movement group, since the political circumstances, government, local administration and the movement group in question had changed. Having made these decisions, civil rights groups found themselves accountable to movement groups, fraternal activist groups and the public. This public articulation of internal debates in turn framed the identity of civil rights groups as allies. To understand this process, let us begin with an examination of the first set of debates over the use of revolutionary violence.

The Question of Revolutionary Violence

The first campaigns and initiatives of civil rights groups were in the context of a conflict between the Naxalite movement and the Indian state's counter-insurgency action. One of the first civil rights groups—the APDR (est. 1972)—had emerged to campaign for the release of political prisoners. It positioned itself as a third-party group that spoke on behalf of Naxalite prisoners but was not itself a part of the Naxalite movement. To carve out a space for itself, civil rights groups like the APDR needed to communicate their stance to the parties involved in the conflict, to the public, and to other activist organisations. A crucial aspect of this goal was to clarify their stance on the use of violence. The political prisoners arrested in the aftermath of the Naxalite movement and during the Emergency were charged with murder, illegal possession of arms and explosives, and endangering public safety. To speak on their behalf and campaign for the rights they were

entitled to, civil rights groups needed to consider their stance towards both the violence practiced by the Naxalite groups, i.e., “private violence”¹⁵ and the issue of state violence. This in turn raised other issues. For instance, between the actions of the state and those of the Naxalites, civil rights groups had to decide what constituted the first strike and what then would be considered counter-violence or self-defence. While the state and the police categorised the violence of the Naxalites as crimes against the state, groups like the APDR argued that their acts of violence were not committed in personal interest. Naxalite violence was political and ideological and thus could not be equated with ‘ordinary’ crimes.¹⁶ The APDR sought the status of political prisoners for those who were arrested and demanded various rights and benefits that were unavailable to those imprisoned for ordinary crimes. The demand for the status of political prisoners and its entitlements depended crucially on differentiating between revolutionary violence and other kinds of crime.

Another early instance where the APDR had to develop and convey its stance on the question of revolutionary violence was when it tried to persuade a fraternal organisation to take up the cause of the political prisoners. Sanjay Mitra, one of the founder members of the APDR, recalled that as part of the campaign around issues of political prisoners, the APDR reached out to different platforms seeking their endorsement to put greater pressure upon the government. They found out that the Amnesty International was planning to conduct a study on the conditions of prisons in West Bengal. The members of the APDR saw in this an opportunity to liaise with another platform that could potentially raise similar demands for the political prisoners. If the Amnesty International were to consider Naxalite prisoners as “prisoners of conscience”¹⁷, it would demand their immediate and unconditional release. However, the Amnesty’s definition of a

¹⁵ The term “private violence” was used by several civil rights activists to refer to revolutionary or political violence.

¹⁶ APDR President, “Declaration of Demands,” [apdrwb.in](http://www.apdrwb.in/about/), accessed April 20, 2018, <http://www.apdrwb.in/about/>.

¹⁷ Peter Benenson, the founder of Amnesty International, wrote that a “prisoner of conscience” was, “Any person who is physically restrained (by imprisonment or otherwise) from expressing (in any form of words or symbols) any opinion which he honestly holds, and which does not advocate or condone personal violence. We also exclude those people who have conspired with a foreign government to overthrow their own”. See Peter Benenson, “The Forgotten Prisoner,” Amnesty.org, accessed June 17, 2018, https://www.amnesty.org.uk/files/info_sheet_3.pdf

prisoner of conscience did not include those who advocated the use of violence as a part of their political strategy. In the early 1960s, Amnesty had internally debated this question in the context of the imprisonment of Nelson Mandela. Peter Benenson, the founder and then Secretary General of Amnesty International, had released the following statement on the issue:

We recognise, with great sympathy, that where a government has shown itself contemptuous of the rule of law and impervious to peaceful persuasion, that those to whom it has denied full human rights as set out in the United Nations Declaration, may feel or find themselves forced into a position in which the only road to freedom is violence. Such people, though they cannot qualify for adoption as Prisoners of Conscience within the definition of Amnesty International, can be, and often are, our active concern.¹⁸

In the context of Mandela's imprisonment, the Amnesty decided to not consider him a prisoner of conscience, but it continued to make representations to authorities for his fair trial and provision of appropriate prison welfare for him. The Amnesty maintained the same distinction in the case of the Naxalite prisoners as well. Activists from the APDR spoke to Amnesty representatives to get a stronger endorsement for Naxalite political prisoners on the grounds that they were not ordinary criminals and had not undertaken violence for self-interest.

Mitra said that the Amnesty was initially reluctant and that he and others had several conversations with the group to make them consider and endorse these cases more actively. "This started changing the policy of Amnesty on violence and they heard us out".¹⁹ I cite Mitra's recollection here not to determine whether or not the Amnesty did change any of its older principles during its work on West Bengal. Rather, I refer to it to highlight the labour that the APDR undertook as a new group to clarify and communicate its position on Naxalite violence to fraternal organisations, the press and the public. Mitra recalled how the question of violence had been a "thorny issue" both inside and outside the APDR. On the one hand, activists considered

¹⁸ Amnesty International UK, "Nelson Mandela and Amnesty International," [amnesty.org.uk](https://www.amnesty.org.uk/nelson-mandela-and-amnesty-international), accessed December 15, 2017, <https://www.amnesty.org.uk/nelson-mandela-and-amnesty-international>.

¹⁹ Sanjay Mitra, interview with author, January 11, 2016, Kolkata.

the Naxalite movement to be born out of real and persistent socio-economic distress and inequality. On the other, the APDR had chosen to conduct their politics within the realm permitted by the Indian Constitution and the law. Thus, as allies, from the very outset of their work, groups such as the APDR attempted to represent the concerns of the Naxalite movement while simultaneously distancing themselves from its politics. This needed a careful framing of their positions.

This distance was not only tactically wise in order for civil rights groups to establish their position as a third party, but it was also reflective of the personal journeys of many activists. Several early members of the APDR had themselves participated in the Naxalite movement and had left it following their disagreement with its leadership. They were among the several young people who had joined the Naxalite movement with considerable hope but had gradually grown disillusioned with it; they had begun to question Naxalite violence. At least three of the interviewees who had participated in the Naxalite movement, Mitra, Subhas Ganguly and Dilip Simeon, spoke about having reconsidered their stance on the question of violence. As Mitra said: “I have changed my worldview from a Stalinist Maoist to [laughs as he impersonates Gandhi to suggest that he has become a Gandhian]”.²⁰

Simeon, who did not join any of the civil rights groups but remained their close observer and later set up a citizens’ group, Sampradayikta Virodhi Andolan (Campaign Against Communalism), too had come to believe that non-violence and constitutional politics ought to be thought about seriously and not just tactically. He said that “if one needs to adopt moderation in order to build alliances and to engage with the state, then why not consider moderation seriously, philosophically [within communist thought]?”²¹ Therefore, as allies, activist groups tried to separate themselves from the Naxalite movement in order to build credibility; but equally, this

²⁰ Ibid.

²¹ Dilip Simeon, interview with author, September 18, 2015, New Delhi.

separation was a reflection of activists' personal journeys in many cases. In their new role as a pressure group for the release of political prisoners, they occupied a position that neither endorsed the use of political violence as a political method nor dismissed it as just another crime.

Outlining State Violence

The APDR's position on Naxalite violence also reveals its approach towards the question of state violence. They considered Naxalite violence to be born out of helplessness and persistent agrarian inequality, but they saw the violence of the state as an illegitimate abuse of power. Their mandate to identify, monitor and expose instances of violence by the police and the state authorities was informed by their shared perspective on state violence. The group had decided to draw public attention to the issues that political prisoners faced in jail—frequent mistreatment, torture and violations of procedures. Not only the APDR but other prominent civil rights groups too shared with each other their perspective on state violence. Let us outline the perspective of such groups on state violence before exploring the debates on revolutionary violence.

The first element of this perspective was an identification and acknowledgement of state violence as structural violence.²² The second was their stance on direct forms of state violence carried out by the police and the armed forces. The first element is illustrated well in the comments of Sumanta Banerjee, who was a member of the PUDR for over a decade. He writes that the term “violence” gets defined in a way that aids those who are in power. “The state machinery defines violence according to the selective interests and priorities of the classes with which it is staffed”.²³ Banerjee argues that the very continuation of what is referred to as law and order maintains a system of hierarchy and vested interests, and thus for the masses, “their continued misery may be

²² The term “structural violence” was coined by the peace and conflict studies scholar Johan Galtung. He classified violence as direct and structural. Direct violence referred to physical and tangible forms of violence and structural violence to the institutions or processes that did not necessarily involve physical harm but engaged in violence. Structural violence was built into the relations and processes in society and therefore normalised. See Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969).

²³ Sumanta Banerjee, “Turning Our Ears to Discord: Response of the Democratic Rights Movement to the Question of Violence,” in *Rethinking Human Rights: Challenges for Theory and Action* ed. Smitu Kothari and Harsh Sethi (New Delhi: Lokayan, 1991), 55.

both a condition and a consequence of the maintenance of law and order”.²⁴ He therefore makes an appeal to avoid a narrow identification of violence with only its direct and visible forms. He argues that one must include in that definition the violence that is contained within social structures, processes and institutions.

The second aspect of state violence includes the direct forms of violence that are legitimised as part of maintaining law and order. K.G. Kannabiran writes about the direct forms of violence that the police carry out. He writes that if one were to temporarily drop the assumption that police and paramilitary actions are necessarily legal and look for provisions within the Indian Penal Code to classify and charge their violence, one would choose categories like “murder, rape, grievous hurt and other offences relating to the human body enumerated in the code”.²⁵ However, when these crimes are committed by the police or the armed forces, the penal provisions are not invoked because it is presumed that these actions had to be undertaken in self-defence or in the interest of the public. Crimes committed by the police and the armed forces are not seen and reported by the press as crimes. This non-recognition weakens citizens’ ability to question such actions and gives these actions immunity from the ordinary legal process.²⁶ Following Kannabiran, civil rights groups believed that both the structural and the more direct forms of state violence are made invisible in the public sphere and needed to be exposed. Most civil rights groups shared this stance on state violence and considered their central task to both document and expose it.

The Legitimacy of Using Violence as a Political Act

Unlike the question of state violence, there was little agreement on the stance over the issue of revolutionary violence. On different occasions, disagreements emerged between and within the groups due to the changing political context of this form of violence as well as the ideological positions of the members. Civil rights groups had members who identified with diverse

²⁴ Ibid.

²⁵ K.G. Kannabiran, “Why a Human Rights Commission?,” *Economic and Political Weekly* 27, no. 39 (1992): 2093.

²⁶ Ibid.

(communists, socialists, Gandhians and liberal democratic) ideological positions. Activists did not have a natural consensus on their position on the use of violence as a political strategy. Additionally, because they were allies, the nature of civil rights groups was relational, and therefore, their position on an issue could only be adopted contextually. Several activists I met with recalled that the stance of their groups on revolutionary violence had been discussed frequently within their organisational meetings.

In light of the fact that the debate on the question of revolutionary violence took place on multiple occasions, it is difficult to agree with the claim that each civil rights group has had a fixed position on it. Munmun Jha, for instance, examines the positions of various civil rights groups on the question of violence.²⁷ He divides them into i) “organisations that condemn all forms of violence”, in which category he places the CFD and the PUCL, and ii) “organisations that do not condemn Naxalite violence”, in which he places the APDR, the PUDR and the APCLC. A classification exercise of this type overlooks the recurring nature of the debate on revolutionary violence and risks creating categories that could be at best temporary. For instance, while Jha categorises the PUDR to be among organisations that do not condemn Naxalite violence, in 2006—the same year in which Jha’s essay was published—the PUDR released a press statement condemning landmine attacks by Naxalite groups in Chhattisgarh.²⁸

Let us look at a few instances when the question of revolutionary violence came up within or between the two national civil rights groups, the PUCL and the PUDR. In the late 1970s, a moment that presented a challenge to the PUCL was when movement groups that had been committed to non-violence, and were being supported by PUCL, began to adopt violence as a tool in their political strategy. New questions emerged in the light of this development. How does the

²⁷ Munmun Jha, “Ideology, Violence and the Human Rights Movement,” *The Indian Journal of Political Science* 67, no. 4 (2006):1.

²⁸ Staff Correspondent, “PUDR Condemns Naxal Attack,” *The Hindu*, March 3, (2006), accessed May 20, 2018, <http://www.thehindu.com/todays-paper/tp-national/pudr-condemns-naxal-attack/article18408702.ece>.

PUCL respond to such a shift? Do they maintain the alliance that they had built with the movement groups? Or do they criticise their use of violence and distance themselves? Neelabh Mishra, who was then a member of the Bihar PUCL, remembered one such moment.²⁹ The context was the emergence and split in the Bodh Gaya Movement that had been mobilised around the question of land rights in Bihar in the late 1970s. The Movement was initiated by a Gandhian socialist youth organisation called Chhatra Yuva Sangharsh Vahini (CYSV, referred to as Vahini) that was set up by JP. The Vahini mobilised, campaigned and protested to improve the condition of landless labourers and sharecroppers and to claim rights over the lands that they cultivated.³⁰ The movement took up the issue of the evasion of land ceiling laws by a *math* (monastery) in Bodh Gaya, Bihar. The monastery was accused of fragmenting its huge estate into small units to avoid the implementation of land ceiling laws, of exploitation of the labour employed on the estate, and for not providing minimum wages. After the Emergency, a generation of new activists within the Vahini had become critical of what seemed to them as an ineffective and outdated adherence to non-violence by the Gandhians within the organisation. This section of activists wanted a change of strategy within the movement and did not want to rule out the use of violence in self-defence or under pressing circumstances. The younger group of activists increasingly articulated the issue in terms of a class conflict and described it as a response to the intensified police action towards the movement. Both in Bihar and UP, Vahini activists were arrested on various charges, including that of being Naxalites.

Mishra remembered that this militant Marxist turn in a fraternal Gandhian socialist organisation became a source of anxiety among the Gandhian socialists within the PUCL.

²⁹ Neelabh Mishra, interview with author, February 22, 2016, New Delhi.

³⁰ Sharecroppers are tenant farmers. The tenancy system in Bihar is an oral contract that rests on the division of harvest. The tenant is not entitled to more than 50 percent of the produce. Tenant farmers remain extremely vulnerable and insecure because they can be evicted at any time from their land. For a recent report on the status of sharecroppers in Bihar, see https://9dd22cecb57cc7c49673951a-f4ofpqc7vvq2ruqx.netdna-ssl.com/wp-content/uploads/2017/03/Status-of-Tenant-Farmers_20-July-2016_AAI-FD.pdf

Eventually, the Vahini split on the question of violence among other reasons.³¹ Mishra said that in the light of these developments, the PUCL found itself debating whether and which faction of the Vahini it would support, and whether it would show up in the demonstrations or marches called by the either side. On the one hand were activists within the PUCL who agreed with the radical sections of the Vahini and argued that non-violence had not adequately helped in defending the people. On the other were Gandhians who thought that the resort to violence would not be ethically or strategically advantageous. Eventually, both the Bihar branch as well as the national office of the PUCL worked more closely with the moderate wing of the Vahini. However, the PUCL continued to send teams to investigate the police action against the radical section of the Vahini activists too.³² As an ally, the PUCL conveyed its own position and concern on the issue of violence. It distanced itself from the violent section of the movement group without abandoning it altogether.

The Question of Violence Between Rival Revolutionary Groups

In Bihar, the PUCL encountered the question of violence between rival revolutionary groups, which arose against the backdrop of a decade of conflict. Through the 1980s, Bihar had witnessed a conflict comprising a mosaic of actors, which included landlords, their private upper caste armies, multiple revolutionary groups with peasant supporters, and the local administration. Unlike in the previous decade's issues of political prisoners, police torture and encounter killings, here the state and police played an indirect role in the conflict. The question of violence had now moved from being cast within a two-party dynamic between the police and the Naxalites to a multi-party conflict with various sources and victims of violent actions. In Jehanabad alone, 448 incidents of police firing as well as numerous killings in police custody were reported. In addition, several

³¹ David Hardiman, "Gandhian Activism in India after Independence," in *Gandhi in His Time and Ours: The Global Legacy of His Ideas* (London: C. Hurst, 2003), 214.

³² PUCL, "PUCL Investigates Police Atrocities," in *Violation of Democratic Rights in India*, ed. A.R. Desai (Bombay: Popular Prakashan, 1986), 447.

deaths had taken place due to violence between two CPI(ML) groups that worked in the area, namely, the CPI(ML) Liberation and the CPI(ML) Party Unity.³³

Just as in the Bodh Gaya conflict mentioned above, the landlords in Jehanabad too enjoyed significant influence in the government as well as the bureaucracy. Land reforms had not been implemented and labourers were not paid minimum wages. The landlords maintained their social power by carrying out occasional acts of violence against peasants and sexual violence against peasant women in particular. Despite the illegality of many of their practices, the relevant laws were not enforced due to their social and political power. In this context, the two CPI(ML) groups began to mobilise peasants in the area to stop sexual violence by the landlords and make a demand for minimum wages, the rights of fishing, and a fair portion in share-cropping. Both the organisations became popular and their ranks began to swell. At the same time, the landlords started to create a series of private *senas* (armies or militias) to protect their persons and properties, and to keep the mobilised peasants in check. This led to several instances of extreme violence with the Naxalites and the backward caste peasant groups on the one side and landlord-sponsored upper caste armies on the other. Over time, however, both the ML groups came to depend on, or include, middle-level landlords of the area for reasons of political expediency. Soon, the two groups began to accuse each other of sacrificing their ideological integrity to gain influence. Conflict erupted between them.

Given the complexity of the conflict and the sheer volume of incidents, the PUCL decided to investigate the “problem of violence in its totality than concentrate on individual cases”.³⁴ Its team comprised of Prabhakar Sinha, Ravi Shankar Prasad and Neelabh Mishra, the President, General Secretary and the Secretary of the Bihar PUCL respectively. While the group was concerned not only about state violence but also intra-Naxalite violence, it did not want to render

³³ PUCL, “Violence in Jehanabad: An Investigative Report by Bihar State PUCL,” *PUCL Bulletin* 10, no. 7 (1990).

³⁴ *Ibid*, 47.

the movement groups vulnerable in a way that would strengthen the hands of the local administration or police. It met with various stakeholders, including the spokesmen of both the ML groups, to understand the nature of the violence and the role of the multiple actors. It conveyed its differences and deep concerns to the two ML groups. Its report makes it evident that the PUCL team tried to be even-handed towards both the groups. “Once the threat of organised violence from the landlords receded, there was a move by both the parties to expand and consolidate their areas of influence which brought them in confrontation”.³⁵ It was equally possible, the team speculated, that the “landlords have exploited the conflict to their advantage by joining one group or the other”. At the same time “the conflict between the two was definitely motivated by the desire to attain political supremacy in the area”.³⁶

The report makes it clear that the PUCL team saw the work of the two groups in the area as courageous and self-sacrificing. Nevertheless, it also saw degeneration, fragmentation, corruption and in-fighting within the left revolutionary groups. As an ally, it considered it its duty to speak to the two ML groups and understand the grievances and accusations of each side. It also reminded each side that the conduct of both the ML groups was a fall from their own stated principles. It also confronted the issue of harm that the political action of revolutionary groups caused to civilians as well to dissenters within those groups.³⁷ In this instance, the PUCL intervened by keeping its primary focus on state violence and approaching the violence of the revolutionary groups as a secondary but important concern.

The PUCL Resolution on Revolutionary Violence and the Fraternal Challenge

The issue of how the PUCL will position itself vis-à-vis revolutionary violence had come up time and again in the 1980s. At its National Convention, which took place in Madras (now Chennai) in March 1982, the group adopted a resolution that sought to clarify its stance on the issue. However,

³⁵ Ibid., 70.

³⁶ Ibid., 66.

³⁷ Ibid., 66.

this stance was not arrived at easily. The report of the Conference states that the question of private violence took up most of the discussion time, and that barring the resolution on the question of violence, all other resolutions were passed unanimously. It was on this question that “at times, tortuous discussion” took place:

All but one of the drafts of the resolutions prepared were passed unanimously... The remaining time was taken up by a controversy which centred around the question of the right to civil liberties of those who are called ‘extremists’... After a full, frank and at times tortuous discussion the house voted for a second alternative draft resolution.³⁸

The alternative draft resolution adopted at this conference on the question of private violence was:

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 [the PUCL] reaffirms that even those who have taken to violence are entitled to due process of law.³⁹

Thus, the PUCL decided that as an organisation it would not endorse the use of violence as a programmatic part of any movement strategy. It considered the use of violence impractical as it inevitably invited further repression from the police and the paramilitary. The significance of the debate on violence and the frequency of its recurrence is demonstrated by the fact that the official introductory booklet to the PUCL carries a section on the “Question of Violence” as an appendix alongside the history and the constitution of the organisation. In this section, the PUCL clarifies that it disagrees with the use of violence for political ends, though it understands that sometimes it is the last resort for people. It states that “while disagreeing with their methods and deploring their actions, PUCL maintains that conditions existing in society are no less responsible for motivating people to alter them through violence”.⁴⁰

The PUCL’s resolution made its formal position on the question of violence known to other groups. Nevertheless, the debate between fraternal civil rights groups on the question of

³⁸ PUCL, “Madras: PUCL Annual Conference,” Ibid.2, no. 3-4 (1982): 2-3.

³⁹ Ibid.

⁴⁰ PUCL General Secretary, *Know PUCL* (New Delhi: PUCL, 1988).

violence did not settle. As following discussion shows, they continued to challenge the PUCL's stance on the issue.

In March 1987, the Andhra Pradesh unit of the PUCL published a "Report on Karimnagar District".⁴¹ This report was prepared in light of two deaths. The first was the killing of a Deputy Superintendent of Police, Buchi Reddy, on November 6, 1986. The second was the killing of a senior member of the APCLC, Japa Laxma Reddy, the very next day. The two main civil rights groups, the PUCL and the PUDR, reacted very differently to this news. The PUDR released a statement that blamed the police for a witch-hunt of the APCLC activists. It argued that civil rights activists had been targeted for exposing instances of police lawlessness. The PUDR saw Reddy's death as a "deliberate police plan to use 'extremist' violence to exterminate legitimate protest".⁴² For the PUDR, the real concern was the "licence that the police were given by the NTR⁴³ government, to take law into their own hands".⁴⁴ However, the Andhra Pradesh unit of the PUCL published a report that blamed both the police and the "extremist movement" for the Karimnagar incidents. Like the Bihar PUCL report mentioned above, this report too was critical of the ideological degradation in the Naxalite movement. The PUCL report states:

In a way they [Naxalites] were living on the capital of their old glory. Thus, the extremist movement degenerated into spreading terror and striking fear in the minds of their opponents including the police... In this district alone, there are about 50 persons whose limbs were either maimed or mutilated... It is stated that... those persons happened to be either police informers or social wrongdoers. The logical conclusion... Naxalites have arrogated to themselves the right to deal with the bodies and lives of criminals in their view.⁴⁵

Evident in this excerpt is the disappointment of the PUCL as an ally due to what it perceived to be a fall from the espoused principles of Naxalite politics. In the wake of this disappointment and concern, it recalibrated its stance towards the left revolutionary groups. The

⁴¹ Karimnagar is a district in the Indian state of Telangana.

⁴² PUDR, *J. Laxmareddy* (New Delhi: PUDR 1986), 2.

⁴³ The reference is to N.T. Ramarao, a film actor-turned-politician who was in his second stint as chief minister of the state at the time.

⁴⁴ Ibid.

⁴⁵ PUCL Andhra Pradesh, "Report on Karimnagar District," *PUCL Bulletin* 7, no. 3 (1987): 24-26.

PUCL report on Karimnagar therefore condemned both state and private violence with almost equal emphasis. It referred to the attack by the police as an instance of counter-violence, and it stated that “[s]o long as the Naxalites continue on their present course of action they will invite police repression on the people”.⁴⁶ Activists from fraternal civil rights groups such as the APCLC felt let down by the PUCL’s position. In the wake of its report, the APCLC General Secretary K. Balagopal wrote a letter to Rajinder Sachar, the President of the PUCL. Balagopal wrote: “I am writing this letter in a fraternal spirit, to point out certain questions... I hope you will not regard this as interference in the internal affairs of PUCL.” He reminded the PUCL that whenever civil rights groups had conducted fact-finding investigations, they had tried to expose the social roots of violence. This was done not to condone the violence but to put it in its political, economic and social perspectives; to distinguish between the violence of the state and the violence of popular movements. The PUCL’s report in question had not done so. It had considered the Naxalite violence as the first strike and not a response to state violence. Referring to the need to analyse the context in which violence was resorted to, Balagopal writes:

This analysis has not been to justify that violence but to point to its roots... not to do so would be to justify the violence perpetrated by the state. This report by the AP unit of PUCL is the first instance of not going to the root of the problem, which lie in feudal oppression and non-implementation of land reform and minimum wages legislation, the report points to the violence of the CPI(ML) groups as the cause of a consequent ‘counter-violence’.⁴⁷

In his short response to this letter, the PUCL president avoided discussing the report in question but reminded Balagopal (and the APCLC) of the principle behind this position. He referred to the resolution adopted by the PUCL in its 1982 Convention in which the PUCL had claimed that violence, even for laudable objectives, legitimised counter violence and therefore its use for political ends was neither practical nor desirable.

⁴⁶ Ibid.

⁴⁷ K. Balagopal, “Letter: Private Violence and State Violence,” Ibid., no. 4.

Escalating Violence, Falling Principles, and the Response of Civil Rights Groups

Lastly, there were moments when none of the civil rights groups could endorse or support the actions of certain movement groups. In Aurangabad, Bihar, for instance, a particularly brutal incident involving the MCC (Maoist Communist Centre) took place in 1987 that posed a dilemma even to those activists who were relatively more understanding of the political, social and economic reasons that led to the use of violence. The MCC was involved in the massacre of 42 Rajputs as part of an ongoing rivalry between the Rajput and Yadav communities⁴⁸ over the control of land in the area.⁴⁹ In a response to a Rajput attack, the Yadavs, together with the MCC, had set fire to Rajput houses in two villages. While the Yadavs had links with the MCC, the political interests of the Rajputs were protected by the local administration. The nature of the violence itself had marked a new low. A class-based conflict had turned into a caste-based carnage. This incident made it “difficult for democratic rights groups to intervene in favour of those political activists engaged in struggles in the countryside, if they are persecuted by the state”.⁵⁰ Sumanta Banerjee writes about this event as a misdoing that was bound to alienate civil rights organisations as well as the public from taking up the concerns of such groups as the MCC: “If they need sympathy and support from a broader section of the people for their cause... they will have to show better sense of responsibility in leading their struggles. It is only then that the democratic rights movement can help them in any meaningful way”.⁵¹

In this case, both the PUCL and the PUDR found it difficult to support or endorse the group. However, despite the similarity in their responses, activists debated if civil rights groups were obligated to make their condemnation of the MCC public. Some within the groups felt that Naxalite and Maoist groups must be held accountable and therefore it was necessary to react

⁴⁸ Rajputs are a landowning upper caste group in northern India, who consider themselves descendants of the warrior ruling classes. Yadavs are non-elite, mainly peasant, pastoral communities from central and northern India.

⁴⁹ T.N. Ninan and Farz Ahmed, “Bihar: The Lawless State”, *indiatoday.intoday.in* (1987), accessed December 15, 2017, <http://indiatoday.intoday.in/story/massacre-of-42-rajputs-in-bihar-villages-marks-a-new-level-of-brutality/1/337227.html>.

⁵⁰ Banerjee, “Turning Our Ears to Discord,” 59.

⁵¹ Ibid.

publicly to the acts of violence that they considered unacceptable. Others argued that it was not their task to condemn (or for that matter condone) Naxalite violence. They did not consider it as part of their dominion of responsibilities since there was already present an elaborate law and order machinery to take cognisance of Naxalite violence and punish its perpetrators by arresting them. But there were almost no organised platforms to expose the extra-judicial violence that the police, the army and the paramilitary carried out. Therefore, they argued that the limited energy, resources and strength of civil rights groups were better deployed in monitoring and exposing state violence.

A notable pattern across these debates on violence was that they were responding to the changing character of the Naxalite-Maoist movement in India. Since a key aspect of civil rights groups was their relationship with movement groups, their responses followed the changes in the nature of revolutionary violence. Civil rights groups took decisions in a contextual, case-by-case method that made the debate on violence a recurring one.

Beyond Revolutionary Violence: Expanding the Engagement

In the 1970s, the debates on violence took place predominantly in the context of state forces lodged against revolutionary movement groups. However, in the 1980s, several instances of violence against women as well as communal violence presented new ethical dilemmas to civil rights groups. These forms of violence were qualitatively different from the ones that civil rights activists had so far engaged with. An elaborate account of activist engagements with significant controversies around questions of gender justice and communal violence in the 1980s and 90s is beyond the scope of our study. Nevertheless, this section provides a synoptic view of those engagements to illustrate that the debates on violence were not restricted to questions around revolutionary violence alone.

In *The Advocate*, Vasant Kannabiran refers to the gender blindness that marked civil rights groups:

They [referring to the mainstream male activists in civil rights groups] looked at only political and civil rights, they felt that civil liberties means to look at the state repression and nothing else. That liberty goes far beyond... into the 'private' domain [they did not see]. Vindhya, from the APCLC, did a study to show that dowry deaths far exceeded the number of encounter deaths in the state. Year by year she did a study and collected statistics... The men behaved as though this was some 'domestic' issue.⁵²

The women members of the civil rights groups asked if violence against women would also be their central concern. Uma Chakravarti, in her interview, said that until feminists called it out, there was a "sexual division of labour" within the civil rights groups too. Civil rights groups engaged with "large struggles, working class repression, state repression in conflict areas, state repression in Naxalite areas and all of that. But, they don't include the kind of structures that women live with, as part of their understanding of democratic rights".⁵³ Feminists within the organisations compelled them to address violence against women as integral to the larger issue of structural violence. As a result of this internal pressure, in 1983, the PUDR published a report titled "Inside the Family" as their first serious engagement with patriarchy. The report foregrounded women's rights as democratic rights and highlighted social and familial norms that obstruct the realisation of rights for women.

Talking about the reception of this report, Prasad from the PUDR said that "Today it's a no brainer [that women's rights should be covered within the ambit of democratic rights] but we were not necessarily applauded for it [at that time]. There were internal and fraternal debates; people said, why should women's group not do it? Why is it a civil rights issue?"⁵⁴ He was referring to the argument that since there already was a robust women's movement in the country that looked at questions of gender, perhaps civil rights groups should continue to focus on state violence. Prasad said that since they had emerged in opposition to a counter-insurgency operation by the state, it was difficult to break out of a state-versus-civil liberties mode.⁵⁵ Given such a

⁵² Vasant Kannabiran in *The Advocate*, DVD, Directed by Deepa Dhanraj, Kalpana Kannabiran, 2007.

⁵³ Uma Chakravarti, interview with author, September 30, 2015, New Delhi.

⁵⁴ Ashok Prasad and Rama, interview with author, November 18, 2015, New Delhi.

⁵⁵ Ibid.

history, some considered the question of violence against women to be outside of their mandate. Other voices argued that if violation of rights was a concern of the groups, violation of women's rights should not be ignored simply because it is often cast as a 'private' matter. Therefore, in the 1980s and 90s, civil rights groups broadened their mandate to work actively with forms of violence that did not directly involve police and governmental abuse of power.

Similarly, as instances of communal riots increased in the 1980s, both the PUCL and the PUDR responded by setting up teams to conduct investigative fact-finding. Both the groups documented the violence extensively, generated lists of the culprits, and recorded instances of omission of duty by the police. Most of the scholarly literature on communal riots in India cites these reports.⁵⁶ In 1984, the PUDR compiled a well-known report on the 1984 Delhi riots titled "Who are the guilty?" and the PUCL co-produced this booklet. In the Meerut riots of 1987, both the PUCL and the PUDR conducted investigations, named the guilty, and compiled lists of missing people. The PUDR filed a writ petition in the Supreme Court to get adequate compensation for the victims from the state government.⁵⁷

Their involvement in the documentation and report generation in the context of communal violence brought a new set of questions to the groups regarding their role in situations of communal violence. The first was whether the primary responsibility of civil rights groups was to document the riots or to take initiatives to restore peace. Their reports were not popular among the majority community, and this made them wonder if the reports were inadvertently adding to the existing insecurities in the majority community that communal forces could exploit. In the context of the reports generated on the incidents of Meerut riots, Kothari and Sethi write:

⁵⁶ Some well-known authors who have cited the investigative reports of the PUCL and the PUDR are Siddharth Varadarajan, *Gujarat: the Making of a Tragedy* (New Delhi: Penguin Books, 2002); Paul R. Brass, *Riots and Pogroms* (London: Macmillan, 1996); Manoj Mitta and H. S. Phoolka, *When a Tree Shook Delhi: The 1984 Carnage and Its Aftermath* (New Delhi: Roli Books, 2007); Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Oxford: Oxford University Press, 2007).

⁵⁷ PUDR, *Forgotten Massacres: A Report in the Aftermath of Meerut* (New Delhi: PUDR, 1989).

With the non-Muslim population convinced that the state intervened to protect them from ‘marauding Muslim hordes’, all the reports... were dismissed by them as biased. How is one to appeal and work for peace... where each ‘pro-minority’ stance feeds into increasing Hindu insecurity and fanaticism, while each ‘minority group’ feels, often correctly, that all the dice are loaded against it? For whom, after all, and with what objective are these reports written?⁵⁸

They add that “Situations of inter-community tension and clashes pose difficult problems”, namely, does the task of civil rights groups begin “only when clashes have become violent and the state steps in for law and order purposes? Is not intervening to avert violence more important than ex post facto laying of blame?”⁵⁹ This was akin to the classic journalistic dilemma of whether to report a tragedy or attempt to prevent it from taking place. Should one act and intervene? Or should one document and report? With an expansion into spheres that were beyond the question of revolutionary violence, civil rights activists wondered if the strategies that were designed to address the question of state versus revolutionary violence remained useful to address structural and societal forms of violence.

Overall, an engagement with these forms of violence in turn determined the questions activists asked of themselves as movement allies. In their engagement with revolutionary violence, civil rights groups debated the legitimacy of the use of political violence in order to determine their position vis-à-vis movements that endorsed violence. In their engagement with patriarchy and communal violence, civil rights groups became mindful of the multiple social and political identities at play in situations of communal violence and questions of gender justice. All these debates became opportunities for activists and groups to reflect on the meaning of their identity as movement allies; to clarify the contours, nature and terms of their association. These questions remain a concern for the organisations to the present day due to the externally-focussed and relational nature of their activism. Thus, we see that framing their positions on the various issues

⁵⁸ Kothari and Sethi, *Rethinking Human Rights*, 5.

⁵⁹ Smitu Kothari, “The Human Rights Movement in India: Crisis and Challenges,” in *Human Rights and Development: International Views* ed. David P. Forsythe (Basingstoke: Macmillan, 1989), 94.

that were being debated also involved, for each civil rights group, framing an organisational identity for itself.

Engagement with the Question of Rights

A second cluster of issues civil rights groups debated was over rights. These were about how the various groups understood and defined rights, dilemmas over the tensions between various kinds of rights, constraints in the implementation of rights, and the inevitability of appealing to the state for the rights it violates. Let us first explore the circumstances and the process through which the two groups came to define the notion of rights that they endorsed.

Civil Liberties or Democratic Rights?

The debate over the definition and meaning of rights was significant because it determined the demands and issues that each group would take up. It was also one of the contributory factors in the emergence—through a complex process that can be difficult to narrate—of the PUCL and the PUDR from the PUCLDR. Each group had a distinct perspective on the idea of rights and desired a distinct focus in their activism and strategy. This section describes the ways in which the PUCL and the PUDR came to define the notion of rights in distinctly different ways.

The two groups' perspectives on rights are indicated in the formal names adopted by them, with one emphasising civil liberties and the other, democratic rights. In a way, these choices were intrinsic to the ideological composition of the members that had joined the parent group, i.e., the PUCLDR. In Chapter 1, I described the context in which a section of the Indian liberals and another of Indian communists and Marxists had forged a broad alliance against the Indira Gandhi government in the 1970s. As the dust of the crisis settled and the Janata government came into power, the political need for this broad anti-government alliance was seen to be over. After the elections of 1977, a number of leaders from the opposition, who had become part of civil rights

groups, decided to join the newly-formed government. The national PUCLDR fell dormant during the Janata government period (1977-1980). However, its state unit in Delhi remained active. This unit, which mainly comprised of left activists, began to operate almost independently.

Once Indira Gandhi and the Congress returned to power in 1980, the national PUCLDR galvanised itself again and called for groups all over the country to dissolve themselves and form a national civil liberties organisation. Aswini Ray remembered a light-hearted dig that a fellow activist had taken at this call. “This is like the reverse of the parable, “Return of the Prodigal Son” ... this time it’s the father who has returned!”⁶⁰ Ashok Prasad also remembered this moment. He said that upon the return of Mrs. Gandhi, the PUCLDR had “called a convention and they made a specific call to all civil liberties organisations to dissolve and join the national PUCLDR”. When the Delhi unit of the PUCLDR received this call, “there was a big discussion about whether we should join or not”. Two issues dominated this discussion. The first issue was what Prasad described as a “question of political expediency”. There was a danger that rights groups would lose credibility if they expressed concerns about threats to democratic rights in the presence of certain governments (such as Indira Gandhi’s) but did not raise such concerns when other governments (such as the Janata government) were in power. The second issue, as Prasad tenderly put it, was a “conceptual” one. The Delhi unit, he said, had “formed this idea of democratic rights versus civil liberties.”⁶¹

In the discussion that Prasad refers to, most members of the Delhi unit of the PUCLDR were not persuaded by the idea of dissolving the group to join the proposed national civil liberties organisation.⁶² They thought that suspending civil rights work simply because a ‘friendly’ (Janata) government was in power was a politically misguided move. The decision of many from the

⁶⁰ Aswini Ray, interview with author, January 12, 2015, New Delhi.

⁶¹ Ashok Prasad and Rama, interview with author, November 18, 2015, New Delhi.

⁶² It is unclear if the PUCLDR’s call was for groups across India to come together to form a new national civil liberties organisation or to merge into the PUCLDR.

national PUCLDR to join the Janata government or government institutions had disappointed fellow activists in the Delhi unit. For Manoranjan Mohanty, who was part of the Delhi unit, the decision conveyed that his fellow activists perceived the state differently:

We found that [Rajni] Kothari became the chairman ICSSR [Indian Council for Social Science Research] Arun Shourie also became advisor. They were close to Janata government and they gave the impression that now we can get the work done through the government. We said, 'Look, our understanding of the nature of the state is that any government will violate rights of people. So, we didn't agree with this idea'.⁶³

Indeed, members of the PUCL saw the state differently. As an ex-Delhi state unit president of the PUCL, D.L. Sheth spoke about how he saw and understood the notion of rights in the context of a liberal-democratic state. He mentioned a meeting he had organised with members from both the groups:

PUDR perceived PUCL, perhaps rightly so, more as an organization for civil liberties and [a believer in] a liberal state. PUDR was associated with leftist viewpoints and struggles. I was very dissatisfied with this [tension between the two groups], so I held a dialogue here in CSDS. The line I took was that this anti-state perception of the left is problematic for rights. I tried to argue that a democratic liberal state is a friend of rights.⁶⁴

While for Sheth “a democratic liberal state [was] a friend of rights”, for the activists of the left persuasion, the state was also the biggest violator of rights. They did not think that one could work for civil rights while cooperating with the government in any way. From their point of view, the relationship between the state and the civil rights groups ought to be antagonistic. Indeed, in the run up to the elections of 1979, the Delhi unit of the PUCLDR, had prepared a report on the violations of rights by all past governments in India (including the Janata government). The compilation was titled “Six Parliaments and Democratic Rights”⁶⁵ and it reflected their belief that all governments, regardless of their ideology, needed independent monitoring.

⁶³ Manoranjan Mohanty, interview with author, September 25, 2015, New Delhi.

⁶⁴ D.L. Sheth, interview with author, August 24, 2015, New Delhi.

⁶⁵ Gobind Mukhoty on behalf of PUCLDR, *Six Parliaments and Democratic Rights* (New Delhi: PUDR, 1979).

Let us return to the internal meeting of the PUDR, which was organised to discuss whether they wanted to dissolve and join a national civil liberties organisation. Prasad said that at the end of the discussion, the Delhi unit “kind of split, i.e., a bunch of people went to join what became the PUCL and some others felt there was a need to retain the distinction and a separate organisation.”⁶⁶ In 1981, the Delhi unit of the PUCLDR changed its name to PUDR and continued to function separately. As we can see, the Delhi unit’s outlook on rights was decided not in a direct debate with the national PUCLDR but as part of its response to the call for dissolution. The call precipitated an internal debate through which the Delhi unit formally recognised its political differences with the national PUCLDR and became the PUDR. The national PUCLDR soon morphed into the PUCL.

A similar issue over formal name had emerged in Calcutta’s regional context too. Sanjay Mitra remembered a criticism of the APDR from those who positioned themselves to the left of the group. He said that “some friends of APDR” were upset that it chose the term “Protection”, not “Establishment” (of Democratic Rights) in its formal name.⁶⁷ They argued that the idea of protecting democratic rights made no political sense since democratic rights had never been fully adopted in India to begin with. How can a set of rights that have not been fully established be protected? Mitra said that a short-lived group by the name Association for the Establishment of Democratic Rights was set up in response to the APDR. This group wanted to support struggles that they believed would lead to the establishment of democratic rights in India.

Mitra, Sheth, Mohanty and Prasad all pointed to a conceptual distinction between the notion of civil liberties and democratic rights within the civil rights groups in India. This distinction has been noted by scholars as well.⁶⁸ To reiterate it, civil liberties refer to the constitutionally-

⁶⁶ Ashok Prasad and Rama, interview with author, November 18, 2015, New Delhi.

⁶⁷ Sanjay Mitra, interview with author, January 11, 2016, Kolkata.

⁶⁸ Ajay Gudavarthy, *Politics of Post-Civil Society: Contemporary History of Political Movements in India* (Los Angeles: Sage, 2013); M. Priyam, K. Menon, and M. Banerjee, *Human Rights, Gender and Environment*; Rajni Kothari, “Human Rights: A Movement in Search of a Theory,” in *Rethinking Human Rights*.

guaranteed rights that citizens enjoy. Democratic rights refer to rights claims that may not yet be codified in a constitution. Civil liberties protect the freedoms of citizens from state excesses and usually require the state to *withdraw*. Demanding democratic rights involves requiring the state to *intervene* to formally recognise new rights claims. Civil liberties are claimed by, or on behalf of, individuals. Democratic rights are often claimed by, or on behalf of, groups.

As already discussed in the Introduction to this thesis, claims of civil liberties are invoked in the context of the boundaries set by the nation-state. Thus, in India, civil liberties activism has been championed by liberals and socialists, often in response to suspension of rights guaranteed by the Indian Constitution. In contrast, the democratic rights perspective believes in the right of people to protest against injustice. It allows for rights claims that may not yet be codified in the law or the constitution. This notion has a strong resonance within both Marxist politics and anti-colonial struggles. According to the democratic rights perspective, those who are at a disadvantage have a right to organise themselves and struggle for their rights even if those rights are not constitutionally endorsed. In short, the democratic rights perspective considers rights to be products of people's struggles while the civil liberties perspective considers them to be claims that are recognised by law.

A Challenge to the Civil Liberties Perspective: Religion, Culture and Minority Safeguards

Those who believed in the civil liberties perspective usually faced a dilemma in the context of the violation of the rights of minorities within a cultural or a religious community. For instance, in September 1987, an infamous incident known as the Deorala *sati* case caught the national imagination after widespread protests by women's rights groups.⁶⁹ In Deorala, Rajasthan, an 18 years old woman, Roop Kanwar, was burnt alive on the funeral pyre of her husband. The incident was framed as her decision to set herself alight. She was glorified as a goddess and the funeral spot

⁶⁹ The practice of *sati* refers to a ritual immolation of a wife on the funeral pyre of her husband. See <https://www.britannica.com/topic/Sati>.

became a shrine. Women's rights groups and the Rajasthan chapter of the PUCL actively participated in the delegations that met the state's chief minister and helped with the litigation against the accused to get *sati* and its social glorification recognised as crimes. Given their history of having mostly focussed on civil and political rights in the context of state abuse of power in a broadly "state versus an individual" framework, the question of balancing cultural rights with gender justice was a relatively unfamiliar territory for the PUCL activists.

Some activists perceived it as an inherent limitation of the notion of rights that they had been working with. Without referring to a particular group, Kothari and Sethi argue that the way in which civil rights groups had understood rights gave them no resources to confront situations like the case of *sati*. "The regarding of individual as the primary bearer of rights, the conversion of these rights into some claim which others must recognise... requires that customs, tradition and usages should be replaced by civil law as the sole and exclusive source of right".⁷⁰ However, in India, a conception of rights that is based on individualism "provide[s] us no clues when faced with situations where other social cohesions too enjoy a legitimacy, not in law but in custom".⁷¹

The potential of liberalism to accommodate group-differentiated rights has been a subject of rich scholarly debate in India.⁷² However, the dilemmas faced by civil rights activists reveal their perception of the inapplicability of liberal tenets to many social situations. Therefore, in order to frame a response to gender-based violence, civil rights groups needed to both revisit their perspective on rights as well as prepare an immediate strategy. The first element of any such strategy pertained to the respective roles of the local administration and the central government. Since practices such as *sati* often had the approval of the dominant social groups, the local

⁷⁰ Kothari and Sethi, *Rethinking Human Rights*, 8.

⁷¹ Ibid., 9.

⁷² Gurpreet Mahajan, *Identities and Rights: Aspects of Liberal Democracy in India*, (New Delhi: Oxford University Press, 1998); Neera Chandhoke, *Beyond Secularism: The Rights of Religious Minorities*, (New Delhi: Oxford University Press, 1999); Indira Jaisingh ed. *Men's Laws, Women's Lives: A Constitutional Perspective on Religion, Common Law and Culture in South Asia*, (New Delhi: Women Unlimited, 2005); Zoya Hasan ed. *Forging Identities: Gender, Communities and the State*, (Boulder, co.: Worldview Press, 1994); Rochana Bajpai, *Debating Difference: Group Rights and Liberal Democracy in India*, (New Delhi: Oxford University Press, 2011).

administration was invariably guilty of allowing a build-up to the eventual crime. The central government in such cases remained a mute spectator as it was either politically aligned with or did not wish to antagonise minority fundamentalism for electoral gains. Additionally, in many such cases of violence against women, once there was some public anger, the government resorted to the introduction of a new 'strong' law, imposition of bans or increased quantum of punishment for the crime.⁷³ Activists perceived these 'strong' measures as populist steps aimed at avoiding the need to initiate long-term structural changes. Such measures neither made access to justice easier nor did they secure convictions. As opposed to the cases of state abuse of power, in the case of the rights of minorities within religious or cultural groups, activists felt that making demands for justice could become counter-productive as it played into the hands of the government.

In the case of *sati*, the opinion on legal reform to address the crime was also split. Many activists felt that the Indian Penal Code already contained the provisions to punish murder and abetment to suicide, and therefore what was needed was better and more effective implementation of the penal provisions to secure women's rights. However, there were other activists who considered the glorification of *sati* to be a specific kind of crime that had to be banned and rendered punishable under a specific law. Within a year of the incident, the Commission of Sati (Prevention), Act, 1987 banned both the practice and its glorification. As far as the legal case was concerned, after 16 years of litigation, all the 11 accused were acquitted by a special court.⁷⁴

A possible alternative to making demands of the state was to initiate a community-led reform. However, as outsiders, civil rights groups felt hesitant about making such an intervention: "Will an intervention by outsiders, particularly in charged situations of community identity

⁷³ Another instance was that of the Shah Bano maintenance case (1985). It was a controversial maintenance lawsuit in India and an important political moment in the battle for protection of the rights of Muslim women. In this case, while the Supreme Court upheld the right to alimony, the judgment set off outrage among Muslim religious groups and resulted in a controversy about the extent to which courts can interfere in Muslim personal law. The judgement of the Supreme Court was reversed due to pressure from the Islamic orthodoxy.

⁷⁴ T.K. Rajalakshmi, "Sati and its Verdict," *Frontline* 21, no. 5 (2004) accessed June 12, 2018, <http://www.frontline.in/static/html/fl2105/stories/20040312002504600.htm>.

conflicts, end up diverting the issue at stake into one of majority communalism”.⁷⁵ They also wondered if a high intensity naming and shaming campaign would intensify the insecurities of the community further. Their dilemma was that if they called for state-led reforms, it would invariably bring about populist responses, and as outsiders, they found it difficult to call for community-led reforms.

A Challenge to the Democratic Rights Perspective: Torn Between Multiple Rights Claims

Adherents of the democratic rights perspective found the political goal of defending civil liberties limited and considered it politically desirable to ally themselves not only with the struggle to restore the rights that were denied to people but also to attempt to expand the set of available rights. Thus, their definition of rights entailed a support to various rights claims that movements made, even if those were not codified and protected. Mohanty, from the PUDR, recalled his perspective on the question of rights: “The main debate here was, are rights claims recognised by law or are they political affirmations made by people in the course of struggle? They said, ‘No, no, you are taking values to mean rights!’. But I said, ‘No, these values in the course of struggle are becoming rights’”.⁷⁶

Mohanty refers to the notion of democratic rights as “people’s rights”, i.e., rights that entitle people, indigenous communities and cultural groups to shape their political destiny. The term “people’s rights” is often used to refer to the rights of a colonised or an oppressed group to free themselves from colonial or oppressive rule. Mohanty referred to the notion as a conceptual innovation, located at the intersection of Marxian and anti-colonial thought:

The concept of people’s rights underlines this approach by rejecting both the classical individualist notion of rights as claims of individual citizens sanctioned or recognised by the state, and the collectivist notion that gives priority to social claims over the individual. A creative theory of rights rooted in post-colonial experience is conceived as a set of conditions which enables individuals, groups, communities and nations to

⁷⁵ Kothari and Sethi, *Rethinking Human Rights*, 4.

⁷⁶ Manoranjan Mohanty, interview with author, September 25, 2015, New Delhi.

enlarge their realms of freedom... The social movements in the third world assert the perspective of defining people's rights.⁷⁷

Mohanty's idea bears close a resemblance to the right to resist, declared in the context of revolutions or anti-colonial movements.⁷⁸ As an academic, he has attempted to develop a non-liberal idea of people's rights that would be in harmony with his politics. Mohanty and the PUDR believed in people's rights to organise and struggle against authorities and considered it their responsibility to support such struggles despite the current legal status of the protest itself. He gave an example: "If there has been a firing on workers, they [those defending the civil liberties perspective] would say that look, they [the workers] have violated the law and therefore the police had fired on them. This made us very uncomfortable. We thought that the workers had the right to protest".⁷⁹ Thus, while the PUCL's emphasis was on restoring various fundamental rights and democratic institutions, the PUDR was committed to support the "fight against institutionalised forms of repression".⁸⁰ The latter identified its task as a "concern for the rights and liberties of masses in the context of their socio-economic needs and political aspirations".⁸¹

A significant debate on the question of rights took place within the PUDR when its members confronted a clash between multiple rights claims. In the context of the Assam Movement (1979-1985), its activists found themselves torn between their support for rights of two groups that were opposed to each other. Although Prasad and Rama spoke about this debate within the organisation, they did not elaborate on the positions the PUDR members took because they wanted to maintain the privacy of the organisation's internal discussions. Nevertheless, one

⁷⁷ Mohanty, Mukherji, and Tornquist, *People's Right*, 26.

⁷⁸ The French revolutionaries, for instance, placed the right to resist in the opening lines of the Declaration of the Rights of Man and of the Citizen. They considered the right to resist to be a natural right. Communist political leaders like Mao Zedong also emphasise the right to rebel. International Law recognised the right of self-determination for people in the 1970 U.N. Declaration. See "Declaration of the Rights of Man," [avalon.law.yale.edu](http://avalon.law.yale.edu/18th_century/rightsof.asp), accessed April 10, 2018, http://avalon.law.yale.edu/18th_century/rightsof.asp; Delia Davin, "The Cultural Revolution: It's Right to Rebel," in *Mao: A Very Short Introduction* (Oxford: Oxford University Press, 2013); T. Ginsburg, D. Lansberg-Rodriguez, and M. Versteeg, "When to Overthrow Your Government: The Right to Resist in the World's Constitutions," *UCLA Law Review* 60, no. 5 (2013).

⁷⁹ Manoranjan Mohanty, interview with author, September 25, 2015, New Delhi.

⁸⁰ PUDR, *Constitution* (New Delhi: PUDR, 1981).

⁸¹ Ibid.

can get a sense of the various positions on the issue through the public debate on the Movement that took place in the journals and newspapers of the time. Before we explore the positions, however, it is necessary to briefly point to the political context of the Movement.

The Assam Movement was a mobilisation of the indigenous people of the state against illegal Bangladeshi immigrants. The Assamese saw the presence of a large immigrant population as a threat to their rights in their homeland. The movement was led primarily by the All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP). Both these organisations demanded that the Government of India identify and expel illegal immigrants from Assam. Their demands were cast as that of a sub-nationalist movement for the rights of the indigenous population against foreigners.⁸² The conflict was polarising, and it elicited several animated debates in the public sphere. On the one hand, there were activists who saw the movement as a struggle for nationality. They considered the right to self-determination as a fundamental right of a marginalised sub-national group that sought recognition for its identity and supported the demand for self-determination.⁸³ On the other hand, a section of the activists was sceptical of supporting a government-run exercise of detecting and deporting immigrants. They believed that the demand for expulsion did not account for the compelling political, social and economic circumstances in which such migrations take place. There were also concerns about the hostility and the resultant lack of integration that the immigrants had faced. Others saw the movement as an attempt of the Assamese middle classes to secure their political and economic interests in Assam by trying to eliminate Bengali and Bangladeshi competitors.⁸⁴ This was made more complex by the fact that the struggle for self-determination was led by an organisation that

⁸² Sanjib Baruah, "Protest against Immigration, Ethnic Rifts and Assam's Crisis of Governability," in *India Against Itself: Assam and the Politics of Nationality* (New Delhi: Oxford University Press, 2001), 115.

⁸³ Gail Omvedt, *Reinventing Revolution: New Social Movements and the Socialist Tradition in India* (Armonk, N.Y.: M.E. Sharpe, 1993), 183.

⁸⁴ This position was taken by Amalendu Guha, "Little Nationalism Turned Chauvinist: Assam's Anti-Foreigner Upsurge, 1979-80," *Economic and Political Weekly* 15, no. 41/43 (1980).

occasionally resorted to violence. This would have made some activists hesitant to join the demand to empower the state to deport immigrants.

The Assam Movement presented the PUDR a dilemma that was caused by the clash between right to self-determination on the one hand and the rights of the immigrants on the other. As these two kinds of rights claims clashed, it became difficult for the PUDR to choose the claims it wanted to lend its voice to. Despite a heated debate on the matter, the organisation could not arrive at an agreement and decided that it would not be able to intervene in the conflict in a constructive manner. Many also feared that the unity of the organisation would be damaged if attempts at intervention were made. Maintaining this unity was vital for the organisation to be effective. The issue was dropped and the PUDR decided to not campaign for either of the rights claims. We have seen above that debates were crucial to building an organisational identity. This case illustrated that, occasionally, clashes between multiple rights claims led to a conceptual as well as a practical and organisational dilemma. The need for unity within the organisation necessitated that such debates be dropped.

Interestingly, in practice, the organisational focus on the two separate notions of rights was not watertight. The PUCL was a decentralised voluntary organisation; its state units were not required to follow a strict national political line on their perspective on rights. This meant that state units continued to privilege local political contexts as they determined the kinds of rights they would focus on. The PUDR was a Delhi-based organisation that did not set up branches in other Indian states; instead, it worked closely with the local civil rights groups in various Indian states. Therefore, there was not a necessary congruity between the particular perspective on rights that was adopted and the kinds of campaigns and issues that were undertaken by each of the two groups. Reflecting on the distinction in retrospect, Prasad said:

In my personal opinion, this conceptual difference and debate is redundant now. I say this because if you look at the PUCL now its functioning does not make this difference.

Many of the state units of PUCL were in fact closer to the PUDR in terms of how they saw rights, some were organisationally closer to PUDR as well.⁸⁵

Following Prasad, it is better to think of the civil liberties and democratic rights perspectives on rights as idealised notions that helped the civil rights groups generate their political identities rather than as empirically borne out realities. In the everyday functioning of the two groups, compromises have been reached, there has been mutual respect for each other's domains, and efforts have been made from both sides to work with one another in joint fact-finding investigations and share campaigns and resources. The split in the PUCLDR, premised on its members' focus on civil liberties and democratic rights, allowed them to contemplate, separate and re-group themselves as PUCL and PUDR. What the debate on the question of rights bears out, though, is the role it played in the solidification of the organisational identity of each group.

What About the Rights of Opponents?

The last challenge activists mentioned was over whether civil rights groups should defend the rights of those who were ideologically illiberal. Often when illiberal political leaders and activists were arrested for instigating and organising communal violence, they were booked under provisions of extraordinary laws, such as the National Security Act, 1980, that activists had opposed all along. Ujjwal Singh⁸⁶ and Gautam Navlakha⁸⁷ recollected the long-held PUDR position that extraordinary laws enhanced the powers of the state and were therefore undemocratic and unacceptable. They said that in accordance with these principles, the PUDR condemned all arrests made under these laws, including those of their opponents from the religious right wing. Indeed, they recalled the PUDR's condemning of the arrests of L.K. Advani under the NSA in the

⁸⁵ Ashok Prasad and Rama, interview with author, November 18, 2015, New Delhi.

⁸⁶ Ujjwal Singh, interview with author, November 20, 2015, New Delhi.

⁸⁷ Gautam Navlakha, interview with author, September 11, 2015, New Delhi.

1990⁸⁸ and Vaiko under POTA in 2002.⁸⁹ Navlakha clarified that this did not mean that the PUDR did not want those guilty to be arrested and punished. Thus, civil rights groups negotiated their opposition to extraordinary laws as well as to their political opponents by demanding that culprits be arrested under standard criminal law provisions but by criticising the application of extraordinary laws to carry out the arrests.

In this section, we have seen that activist narratives and commentaries on the question of rights reveal four kinds of debates and dilemmas. The first was over the definition and meaning of rights. This was central to civil rights activism and shaped its identity as it determined the kinds of campaigns that they would choose and the groups that they would ally with. It also determined the composition of the members in both the major organisations. The second dilemma was thrown up by the threat to the rights of minorities within any community juxtaposed against the cultural rights of the community as a whole. The third kind of debate came up in the context of political situations where civil rights groups perceived one set of rights clashing with another and had to choose. Lastly, civil rights groups debated their response to the violation of the rights of illiberal ideological groups or political opponents. The dilemmas and debates over the issues concerning rights were key to their determining their own obligations as allies. Civil rights groups formalised

⁸⁸ L. K. Advani was the seventh Deputy Prime Minister of India and is a senior leader of the Bharatiya Janata Party (BJP). He has been a member of the Rashtriya Swayamsevak Sangh (RSS), a Hindu nationalist organisation, since 1942. In 1990, he organised the *rath yatra*, a politico-religious march to support the campaign to build a temple on a site that was allegedly Lord Rama's birthplace. This march precipitated severe religious violence in many parts of India. See Christophe Jaffrelot, *Hindu Nationalism: A Reader* (Princeton: Princeton University Press, 2007), 257; Amrita Basu, *Violent Conjunctions in Democratic India* (New York: Cambridge University Press, 2015); Paul R. Brass, "Communal and Caste Conflict," in *The Politics of India Since Independence* (Cambridge: Cambridge University Press, 1990).

⁸⁹ Vaiyapuri Gopalsamy, better known as Vaiko, is the founder and the General Secretary of the Marumalarchi Dravida Munnetra Kazhagam (MDMK) party in Tamil Nadu. In 2002, the state police filed charges under POTA for his pro-Liberation Tigers of Tamil Elam (LTTE) remarks. The LTTE was a Tamil militant organisation active in Sri Lanka. For more on the context of his arrest, see Staff Correspondent, "POTA effect: MDMK chief Vaiko arrested in Chennai" *timesofindia.indiatimes.com*, accessed July 14, 2018, <https://timesofindia.indiatimes.com/india/Pota-effect-MDMK-chief-Vaiko-arrested-in-Chennai/articleshow/15672245.cms>.

their differences and split over their ideological perspective on rights and the kinds of rights claims they would support.

Conclusion

The two debates examined in this chapter uncover the process by which civil rights groups framed their organisational identity by making decisions about how they would present themselves to the public, the press, movement groups and fraternal organisations. These decisions were often arrived at through organisational debates or collective deliberations. During the fieldwork conducted for this research, most activists spoke animatedly about the dilemmas they had encountered and the issues they had debated. Two of the most frequently occurring debates among these were over the stance of civil rights groups on the question of revolutionary violence and that of the definition and practice of rights. Three features of these debates stood out: they were public; the terms in which they were posed had strong ethical dimensions; and lastly, they were conducted between the left-liberal and the left-revolutionary ideological streams within civil rights groups. Each of these three aspects reveals a distinct feature of civil rights groups as allies.

The public nature of the debates was reflected in the fact that issues were deliberated upon within the organisational meetings and written about in articles that were published in the organisational bulletins and, sometimes, in social science journals. The public nature of these debates demonstrates that activists were mindful of their reception by other activists, movement groups, and the press. They wanted to persuade their audience of the thoroughgoing nature of their decisions and of the detailed attention they brought to their role as allies. They shared their dilemmas publicly and the reasons behind why they chose to ally or disassociate with different movement groups.

The ethical character of these debates was reflected in the fact that through them civil rights groups had been attempting to build a set of principles that would enable them to position themselves and to make certain choices as a group. This ethical charge was partly a result of the nature of the subjects under debate—such as violence and rights—but equally, it was a feature of the political context in which civil rights groups emerged. At the launch of Citizens For Democracy (est. 1974), JP had said, “The time has come when thousands of public-spirited citizens have to take action on their own to restore integrity in national life”.⁹⁰ In his diagnosis, the real political crisis in Indian politics in the 1970s was the lack of integrity of the ruling government and political leaders who did not conduct themselves with honesty and accountability. The political crisis was understood to be precipitated by the misuse of power and corruption in governance. Given this diagnosis, civil rights groups like the CFD and the PUCLDR stated that their objective was to prevent the then deepening crisis and to restore democracy.

In a compendium on civil rights activism, A.R. Desai refers to the activists of these organisations as “concerned crusaders and active fighters for protection of civil liberties and democratic rights... involved in the struggles carried out by different sections of oppressed and exploited people in the country”.⁹¹ Members of civil rights groups were seen as conscientious, public spirited people, who were working to uphold democratic values at a time when politicians had degenerated to seek narrow self-interests. Since the crisis was ethical, the rescuers had to be people with integrity and high capacity for ethical reflection and debate. Desai also points out that these activists were “involved in the struggles carried out by different sections of oppressed and exploited people”, which was a task of great responsibility. As a result, a significant consideration for civil rights activists was to meet the credibility gap and engage in a public reflection about themselves. These debates were an opportunity for both self-knowledge as well as self-assessment.

⁹⁰ Staff Reporter, “Citizen’s Body to Set up Ombudsman,” *The Times of India*, July 14, 1974.

⁹¹ A.R. Desai, “Introduction,” in *Expanding Governmental Lawlessness and Organized Struggles: Violation of Democratic Rights of the Minorities, Women, Slum Dwellers, Press and Some Other Violations*, xiii.

The terms in which these dilemmas and debates were conducted demonstrates that the activists were split into two—they tried to, both, act as well as observe their collective conduct.

The debates on violence and rights took place between the liberals together with socialists on the one hand and the left-revolutionary ideological factions on the other. Liberals and socialists were relatively less sympathetic of a programmatic commitment to violence by the left revolutionary groups. They also considered civil liberties and not democratic rights to be their focus. However, the section of activists who were left or communist had greater understanding for the resort to violence by revolutionary groups. Left activists saw it as an instance of self-defence by the less powerful sections of society. They were also keen on supporting demands for rights that were not yet codified in the constitution. Rajni Kothari referred to these two factions as the “two main currents” within civil rights groups. “One, emanating from the Emergency period and renewed after 1980, of which, PUCL is the main vehicle, focussing on the violation of constitutional rights. The other (going back long before Emergency) grew from the more radical sections, specially the Marxist Leninist, focussed on the atrocities committed on the rural poor, and on Naxalites. The two streams have at times come together and at times stood apart”.⁹² These ideological positions, though not neatly represented in the organisational composition of members, contributed to the long, sustained, dynamic and contested debates within and between civil rights groups.

The chapter has argued that these two debates illustrate the process by which civil rights groups as movement allies framed their organisational identities. Framing the two debates and the responses to them brought about moments in which they split, sought each other’s solidarity, or drew working boundaries to determine their engagement with movement groups. These debates fed into the creation of their own identity as allies and helped them develop the terms on which they would ally with different movement groups. Through the debates, the groups confronted the

⁹² Kothari, “Human Rights,” 22.

question of who they would speak for, and what they would defend, advocate and lobby for. Most importantly, the debates demonstrate that the organisational identity of civil rights groups as allies was not pre-given or driven by ideology but worked upon through the process of framing their responses to issues as they emerged. Civil rights groups remained one step removed from the conflicts they sought to intervene in. This allowed them the opportunity to debate their stance towards the conflicts in the way that groups directly involved in them could not. The ally identity was essentially relational, and it needed them to develop the terms of their engagement with other groups. The positions that civil rights groups came to adopt were in dialogue with, and contingent on, the shifting perspectives, hardening or softening of commitments, changing programmes or strategies of movement groups. Civil rights groups conducted investigations and campaigns on behalf of multiple movement groups, and in each context, the terms of their engagement needed to be revisited afresh. Over the years, the PUCL and the PUDR have acquired a good sense of what they agreed on and where they disagreed. Yet, given the nature of their activism, such debates have remained an intrinsic feature of these groups.

Chapter 5

Ally Activism and the Enactment of the Idea of “Concerned Citizenship”

On November 1 [1984], when we toured the Lajpat Nagar area we found the police conspicuous by their absence while Sikh shops were being set on fire and looted. Young people armed with swords, daggers, spears, steel *trishuls* [tridents] and iron rods were ruling the roads. The only sign of police presence was a police jeep, which obstructed a peace procession brought out by a few *concerned citizens*.

-Excerpt from the Report, *Who are the guilty?*¹

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 that had been denied any role in the ongoing conflict between the state and the ‘Revolutionary’ parties.

-Excerpt from the booklet *Know PUCL*²

Introduction

In the two excerpts mentioned above, we find civil rights groups referring to “concerned citizens”. For decades now, the term has occurred in the context of civil rights activism. In 1981, the PUCL reported that it was observing the period September 1-15 as “Independence of the Judiciary Fortnight” in cooperation, among others, with “concerned citizens” to “assess the threats to the independence of the judiciary”.³ In 2008, the PUCL Gujarat said that it had formed a “committee of concerned citizens” to enquire into an incident of police firing against the tribal people in the state’s Sabarkantha district.⁴ In 2011, the group gave a call to “all concerned citizens” to “initiate various public protest actions from May 22 to August 18” to demand the release of Irom Sharmila, the iconic opponent of extraordinary laws.⁵ In recent years, initiatives that self-identify as actions of “concerned citizens” have multiplied and expanded beyond the realm of civil rights activism. A

¹ PUDR and PUCL, *Who are the Guilty?* (New Delhi: PUDR, 1984). (emphasis mine)

² PUCL, *Know PUCL*, New Delhi (1988). (emphasis mine)

³ “National Council Meets,” PUCL Bulletin 1, no 3, June (1981): 3.

⁴ PUCL Gujarat, “Police Firing on Adivasis,” PUCL Bulletin 28, no 4 April (2008): 1.

⁵ PUCL, “Solidarity March for the Repeal of AFSPA and Release of Irom Sharmila at Bangalore,” *socialism.in* (May 2011) accessed August 10, 2018, <http://www.socialism.in/index.php/solidarity-march-for-the-repeal-of-afspa-and-release-of-irom-sharmila-at-bangalore/>.

three-volume Concerned Citizens' Tribunal report, titled *Crimes against Humanity: An Inquiry into the Carnage in Gujarat*, was published soon after the infamous Gujarat riots of 2002.⁶ In 2005, in the light of several reports from Chhattisgarh of a 'spontaneous' people's uprising against Maoists that was supposedly led by a group called Salwa Judum, several "concerned" groups visited the area to understand the goings-on first hand.⁷ The term has become so common now that it is routinely found in petitions, letters and statements concerning public affairs in contemporary India.

This broad national, civic self-identification as "concerned citizens" stood out as noticeably distinct in the 1970s and 80s, a period that saw the rise of various identity-based movements (of women, Dalits, peasants and tribal communities). Of course, as Carey Watt has shown, associations that emphasised on active citizenship, patriotism, philanthropy and social service were present in late-colonial India as well.⁸ These associations often framed their members as civic-spirited concerned citizens. However, the civic ideal of the "concerned citizen" put forward by civil rights activists since the 1970s was overtly political. Moreover, unlike sections of movement groups that framed themselves as *aggrieved*, civil rights activists framed themselves as *concerned*. They presented themselves as concerned citizens in two distinct ways. Firstly, by showing that they were perturbed and distressed upon learning of the violations of the rights of others. Secondly, by showing that they were involved, responsible and civic spirited. These two ways of self-identification allowed a segment of the salaried, professional middle classes to become stakeholders in conflicts that did not affect them directly. This self-identification served as a ground for a specific kind of participation in social movement politics.

⁶ The Gujarat Riots 2002 were a period of over eight months of violence between Hindu and Muslim communities in India. The outbreak of the violence followed the burning of a train in Godhra in February 2002. The Concerned Citizens' Tribunal report estimated the death toll to almost 2,000. See Concerned Citizens Tribunal – Gujarat 2002, [sabrang.com](http://www.sabrang.com), accessed July 22, 2018, <https://www.sabrang.com/tribunal/>.

⁷ See Independent Citizens' Initiative, "War in the Heart of India," in *Human Rights and Peace: Ideas, Laws, Institutions and Movements* ed. Ujjwal Kumar Singh (New Delhi: Sage Publications, 2009), 166.

⁸ Carey A. Watt, *Serving the Nation: Cultures of Service, Association and Citizenship* (Delhi: Oxford University Press, 2005).

There is a substantial body of work that highlights the top-down and bottom-up articulations of citizenship. Studies that focus on the former have often explored governmental legislation and Acts of Parliament while those that focus on the latter have looked at the articulations of citizenship that have emerged from the poor and marginalised communities.⁹ However, it is important to acknowledge the existence, between these two, of the meso-level articulations of citizenship that are based in civil society. Associated with actors like the civil rights groups, these are distinct from both the top-down governmental conception of citizenship as well as the bottom-up conceptions that the poor and the disadvantaged hold.¹⁰ These meso-level articulations remain overlooked for two possible reasons. Firstly, civil rights activists have a presence in the public sphere, which gives one the impression that their politics and its underlying values are self-evident. Secondly, members of academia who research the notions of citizenship often belong to the same socio-economic location as civil rights activists. Their proximity to, and occasional participation in, civil rights activism creates a sense of familiarity, and this could have prevented them from feeling the need for a systematic study of the discourse of concerned citizenship. This chapter examines the notion of concerned citizenship to understand the values it contains and the practices it manifests itself through. Towards this end, it asks the following questions: How do civil rights activists articulate claims of citizenship? What are the civic values

⁹ Studies on the official and normative dimensions of citizenship are usually conducted along the three fundamental axes that Bryan Turner identifies as “extent (rules and norms of inclusion and exclusion), content (rights and responsibilities) and depth (thickness or thinness) of citizenship. See Engin F. Isin and Bryan S. Turner, “Citizenship Studies: An Introduction,” in *Handbook of Citizenship Studies* ed. Engin F. Isin and Bryan S. Turner (London: Sage, 2002), 2. A few instances of studies that study the empirical practices of citizenship that emerge from the poor and the marginalised are Partha Chatterjee, *Politics of the Governed: Reflections on Popular Politics in Most of the World* (Columbia: Columbia University Press, 2004); James Holston, *Insurgent Citizenship: Disjunctions of Modernity and Democracy in Brazil* (Princeton: Princeton University Press, 2008); Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham: Duke University Press, 1999); Margaret R. Somers, “Citizenship and the Place of the Public Sphere: Law, Community, and Political Culture in the Transition to Democracy,” *American Sociological Review* 58, no. 5 (1993).

¹⁰ Some of the studies that examine civil society-based citizenship initiatives are Engin Isin, “Citizenship in Flux: The figure of the Activist Citizen,” *Subjectivity*, 29, (2009); Venetia Papa and Dimitra Milioni, “Active Citizenship or Activist Citizenship? A Framework for Studying Citizenship in New Social Movements and the Role of ICTs,” *Journal of the MeCCSA Postgraduate Network* 6, no. 3, (2013); John Harris, “Middle Class Activism and the Politics of Informal Working Class: A Perspective on Class Relations and Civil Society in Indian Cities,” *Critical Asian Studies* 4, Issue 38, (2006).

that the notion of concerned citizenship contains? What function does it perform in civil rights activism?

The chapter argues that the notion of concerned citizenship has had two components: a horizontal one that has addressed regional movement groups and fellow citizens, and a vertical one that has addressed the state. Together these two components have constituted the practice and the civic ideal of concerned citizenship. The chapter examines activist narratives, campaigns and activities undertaken by civil rights groups, and the literature these groups produced in the form of reports, press statements and booklets. It begins with an examination of the existing scholarship on the practices of citizenship. It then analyses the notion of concerned citizenship as a political idiom through the two modes (one vis-à-vis the state and another vis-à-vis fellow citizens) in which it was enacted.

Citizenship as Practice

The mainstream scholarship within political studies in India has considered citizenship to be a legal status. It has concerned itself with the Constituent Assembly Debates, the Constitution of India, statutory acts, legislative amendments, passports, borders and court judgments.¹¹ Recent studies, however, explore how people interpret their political membership and articulate citizenship.¹² These studies have allowed for an exploration of the possible differences, indeed contestations, on the values that define appropriate citizenly behaviour. Let us briefly examine these studies.

¹¹ Some of the prominent ones among them are Rajeev Bhargava and Helmut Reifeld ed. *Civil Society, Public Sphere and Citizenship* (New Delhi: Sage 2005); Rajeev Bhargava ed. *The Politics and Ethics of the Indian Constitution* (New Delhi: OUP, 2008); Gurpreet Mahajan, *Identities and Rights: Aspects of Liberal Democracy in India* (New Delhi: OUP, 1998); Anupama Roy, *Mapping Citizenship in India* (New Delhi: Oxford University Press, 2010); Valerian Rodrigues, "Citizenship and the Indian Constitution," in *Politics and Ethics of the Indian Constitution* ed. Rajeev Bhargava (New Delhi: Oxford University Press, 2008).

¹² See Sian Lazar, "Introduction," in *The Anthropology of Citizenship: A Reader* (West Sussex, UK: John Wiley & Sons Ltd, 2013), 12.

As with several other social science concepts, the empirical practice of citizenship reveals a complexity that does not easily fit theoretical classifications. For instance, having examined the practices of the poor in India, parts of Africa and Latin America, Steven Robins et al critique the tendency to see citizenly claims on the state and claims secured through a patron-client relationship as two distinct practices of two distinct social groups.¹³ They argue that both citizenly and clientelist practices have in fact been a part of the plural strategies that the poor tend to adopt in order to make demands upon the political system. The poor may behave like citizens of the modern state in one context and subjects of traditional forms of authority in another. In a similar attempt to understand how migrant communities understand the notion of citizenship, Niraja Gopal Jayal looks at migrants from Pakistan to India. These groups arrived after the wars between India and Pakistan in 1965 and 1971 and live in the border districts of Rajasthan. They are still waiting for many constitutionally guaranteed rights to become reality. Jayal argues that migrant groups see the notion of citizenship not in affective, patriotic or ethnic terms but as an instrument to obtain social welfare entitlements. She refers to this view as aspirational citizenship.¹⁴

Over time, the aspirations of various social groups have also influenced governmental conception and provisions on citizenship. Joya Chatterji examines the demands that were made by the millions of people who became stranded in the newly-independent states of India and Pakistan, in the aftermath of the subcontinent's partition. They made demands concerning the property they left behind, political rights, and nationality.¹⁵ Chatterji argues that citizenship in South Asia was a product of a dialogue between the bureaucratic practices from above and the demands that were made by refugees from below. Rohit De looks at the daily use that thousands of people make/have made of the constitutional provisions and structures in India.¹⁶ Despite its elite authorship, the

¹³ Steven Robins, Andrea Cornwall, and Bettina Von Lieres, "Rethinking 'Citizenship' in the Postcolony," *Third World Quarterly* 29, no. 6 (2008): 1070.

¹⁴ Niraja Gopal Jayal, *Citizenship and Its Discontents: An Indian History* (Cambridge: Harvard University Press, 2013).

¹⁵ Joya Chatterji, "South Asian Histories of Citizenship, 1946–1970," *The Historical Journal* 55, no. 4 (2012).

¹⁶ Rohit De, "Rebellion, Dacoity, and Equality: The Emergence of the Constitutional Field in Postcolonial India," *Comparative Studies of South Asia, Africa and the Middle East* 34, no. 2 (2014): 263.

Indian Constitution, he argues, has provided many “avenues for subaltern engagement” and has been put to multiple uses by “litigious citizens”.¹⁷ Ornit Shani examines the multiple imaginations of citizenship that are contained within the normative ideal of citizenship both in ideology and in practice. It is precisely due to these multiple imaginations present within this idea that a nation as diverse as India holds together. Shani looks at the “Muslim citizens who are amongst the most excluded members in the whole body of Indian Citizenry” who too have found a way to participate in the practice of citizenship in their own distinct ways.¹⁸ All of these studies examine how people—especially the poor and the marginalised—perceive and experience citizenship. They suggest that the official imaginations and notions of citizenship could be in complete contrast with people’s everyday lives, which compels them to develop their own notions of citizenship.¹⁹

These historical and anthropological enquiries have shifted the focus from a normative study of citizenship to empirical practices of the disadvantaged sections of society such as the rural poor, refugees and immigrants. If the earlier studies of citizenship relied upon the Constituent Assembly Debates and citizenship Acts to understand the idea of citizenship, the later studies have adopted a bottom-up, or the poor-versus-the state approach. However, if we look closely at the claims made by disadvantaged communities like the rural poor, refugees or immigrants, we would notice that these communities often do not approach the state directly: they use an intermediary. This intermediary is someone who facilitates, links or negotiates their interactions with the state. For instance, refugees often use the services of brokers, agents or mediating groups in their efforts to gain access to social welfare provisions, and citizens who use the constitutional provisions often do so by relying on lawyers. Such intermediaries, of which civil rights activists are an example,

¹⁷ Ibid.

¹⁸ Ornit Shani, “Conceptions of Citizenship in India and the ‘Muslim Question’,” *Modern Asian Studies* 44, no. 1 (2010).

¹⁹ Mirroring the scholarship on the anthropological methods to study citizenship are the studies that examine the state using anthropological methods. They make similar observations about the constitutive, and not a given or discrete, character of the state and look at how people experience the state, particularly in regional and rural settings. For more on this see Sharma and Gupta *The Anthropology of The State*; C. J. Fuller and Véronique Bénéï, *The Everyday State and Society in Modern India* (London: Hurst, 2001); Lloyd I. Rudolph and John Kurt Jacobsen, *Experiencing the State* (Oxford: Oxford University Press, 2006).

bring their own conceptions of citizenship to the process they participate in. Thus, moving the spot-light to the meso-level conceptions and practices of citizenship would nuance the gains made by these studies that carry an empirical focus on how citizens enact citizenship.

Concerned Citizenship as Middle Class Politics?

One can notice a structural similarity between colonial middle class politics and concerned citizenship as a political practice of middle class civil rights activists. Both display a shared emphasis on three ideas: mobilising respectability, an emphasis on moral regeneration, and providing leadership to the larger public with a claim to represent them. In this section, I look at some continuities between the colonial middle class politics and concerned citizenship as a middle class practice. I also distinguish civil rights activism from two other comparable instances of middle class politics in contemporary India, those of the NGOs and RWAs.

The use of the term “colonial middle class” in the singular, is not an effort to represent it as a unified group. Sanjay Joshi outlines the characteristics of the fragmented social groups that are referred to as the colonial middle class. Joshi writes that by the last quarter of the 19th century, many young Indian men (and a few women) had been exposed to colonial educational institutions:

This was the group who now fashioned themselves as an Indian middle class. Through activities in the public sphere they undertook exercises similar to their British counterparts in distancing themselves from the “decadence” of older Indian elites even as they disparaged the cultures of the plebeian classes of Indian society. They represented the middle class as a harbinger of modernity and sought to blend what they perceived as the best of indigenous traditions and Western modernity... Measured by any set of objective indicators such as income, consumption, occupation, or even education, the social groups described as middle class in colonial India were in the top two deciles of the population.²⁰

²⁰ Sanjay Joshi, “India’s Middle Class,” *Oxford Research Encyclopaedia of Asian History* (2017), accessed May 12, 2018, <http://asianhistory.oxfordre.com/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-179>.

Thus, given that these groups were affluent and were exposed to elite educational institutions, the middle class in colonial India, Joshi argues, was more a project of self-fashioning than a sociological class category.

The colonial middle classes mobilised the respectability they enjoyed in society to bring legitimacy to their demands. Because they were well-educated, their opinions and claims drew the attention of both the government and the press. In the context of initiatives to bring social reform, as educated and enlightened groups, they claimed to represent their own interests as well as the interests of those below them in the social hierarchy.²¹ Unlike those of the traditional landed elites, the claims of the middle class to leadership in colonial India were based on their educational training and occupational profiles. Prashant Kidambi argues that the idea of respectability was a central feature of colonial middle class politics, in particular social reform politics, in three respects: i) It was an integral aspect of the claims made for public leadership, ii) it was mobilised to dislodge traditional landed aristocracy from positions of power, and iii) it was an attempt to gain “social sovereignty” and be able to represent the poor as well as claim their obedience.²²

In postcolonial India—particularly within the form of activism under study—the three notions of respectability, moral regeneration and representation continued to resonate in the politics of the middle classes. The emphasis on respectability can be seen in the choice of those who took centre stage to present themselves as concerned citizens. Civil rights activists were themselves, and they incorporated within their groups, well-known, highly-positioned people such as judges, lawyers, journalists, academics, theatre personalities and social workers. Their activism and tactics relied heavily on the educational and occupational profiles of the members, who mobilised their skills to perform tasks like addressing the media, writing and publishing reports,

²¹ Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993); Sanjay Joshi, *Fractured Modernity: Making of a Middle Class in Colonial North India* (Oxford: Oxford University Press, 2001).

²² Prashant Kidambi, “Becoming Middle Class: The Local History of a Global Story, Colonial Bombay, 1890-1940,” in *The Making of the Middle Class: Toward a Transnational History*, ed. A. Ricardo López and Barbara Weinstein (Durham: Duke University Press, 2012), 145.

initiating litigation etc. Indeed, civil rights activism was premised on mobilising respectability, not numbers.

The second strand of continuity can be seen in the emphasis on moral regeneration. In the colonial period, the emphasis was on a moral awakening to arrest what the middle class perceived to be social, religious, and cultural decay. A generation of social reformers presented themselves as crusaders against ‘social evils’ of Indian society. In postcolonial India of the 1970s, the decay was seen as being *political* in nature. A segment of the middle class, at least in the national capital, saw party politics as having degenerated, government turning increasingly authoritarian, and politicians seeking narrow self-interest. It expressed a sense of disappointment with the failure of the state to deliver on the promises the nascent Indian state had made. In these times, those who saw themselves as continuing to possess a sense of responsibility, and who sought to bring ethics back into politics, projected themselves as concerned citizens.

The third element of continuity was the emphasis on representation. From the very inception of this activism, civil rights activists tried to become the voice of those whom the electoral system had failed. Activists presented themselves as concerned citizens who would make claims on, appraise, and demand accountability from, the state on behalf of the larger citizen community. An important development that strengthened the idea of concerned citizenship in the 1980s was the emergence of the Public Interest Litigation (PIL) instrument that widened the *locus standi* in matters brought to the court. *Concerned* persons, who were not directly affected by a conflict, were allowed to litigate on behalf of the aggrieved. As A.R. Desai writes:

The most significant aspect of Public Interest Litigation is that it succeeded in establishing the right of the concerned citizens and organisations to file writ petitions on behalf of the oppressed and the exploited... The rationale behind such litigation is that persons or organisations feeling concerned on various issues can litigate for the benefit of the persons aggrieved.²³

²³ A.R. Desai, “Justice Limited,” in *Violation of Democratic Rights in India* (Bombay: Popular Prakashan, 1986), 179.

The emergence of the PIL and a legal recognition of the stake of concerned citizens added to their claim that they represented the public, particularly the disadvantaged.

Thus, the values that civil rights groups invested in the notion of concerned citizenship were reminiscent of some of the core features of middle class politics in colonial India. The middle classes mobilised the respectability they carried to draw the attention of the government, the press and the public towards the issues they endorsed. The theme of a deteriorating political situation that ethical political actors would need to salvage was reiterated, and the desire to represent the disadvantaged and the voiceless sections of society surfaced again. Many of the people I interviewed were born in the 1950s and were college-going young adults in the 1970s. They had grown up hearing inspiring stories of nationalism and of the self-sacrificing nature as well as the moral courage of nationalist leaders and social reformers during the colonial period. It is possible that the ideas of the role that the middle classes ought to play were passed on to them from a previous generation that had witnessed colonial rule.

It is important to note that the activities of the civil rights activists as concerned citizens have been quite singular in the Indian context. Other forms of oppositional politics that have been initiated by, and comprise mostly of, the salaried professional segment of the middle classes articulate civic claims in starkly different ways. This can be illustrated through comparisons with the Resident Welfare Associations (RWAs) and the Non-Governmental Organisations (NGOs). Members of the civil rights groups and the RWAs have largely similar backgrounds but the RWAs do not intervene on behalf of other segments of society. Leela Fernandes argues that the RWAs might deploy the rhetoric of representing a general public, but often they attempt to both regain control over public spaces as well as separate themselves from street vendors and squatters.²⁴ The RWA politics is mostly in opposition to the lower caste groups or urban and rural poor and not in

²⁴ Leela Fernandes, "Introduction," in *India's New Middle Class: Democratic Politics in an Era of Economic Reform*, (Minneapolis: University of Minnesota Press, 2006), 33.

alliance with them. In contrast, concerned citizens forged alliances with the poor, minorities, tribal populations and ideological opponents of the state.

The NGOs are closest in form to the civil rights groups. In a way, the emerging NGO sector in the 1990s took up several of the issues that the civil rights groups had raised in the 1970s. However, civil rights activists view NGOs and their steep rise in India with scepticism. Civil rights groups disapprove of any attempt that categorizes them alongside the NGOs. The two differ in two key respects. Firstly, the NGOs are accountable to their respective funding agencies; this can impose a limitation on the issues that they could take up. Secondly, the capacity of the NGOs is crippled by the trappings of laws such as the Foreign Contribution Regulation Act (FCRA) that could be used by government to intimidate them. In contrast, civil rights groups are free to act as their work requires them to, since they are often un-registered, they act voluntarily, and they work on nominal, irregular donations.

Thus, we see the shared emphasis on the notions of respectability, moral regeneration and claims of representation between the colonial middle class politics and the practice of concerned citizenship. A similar emphasis was not found in other forms of middle class politics such as those practiced by RWAs or NGOs. Having taken a note of these continuities as well as differences, let us now seek to understand the notion of concerned citizenship through an examination of its two components: the horizontal component, in which concerned citizenship was addressed to fellow citizens and movement groups, and a vertical one, in which it addressed itself to the state.

The Horizontal Component: Concerned Citizenship as an Expression of Solidarity

The first component of concerned citizenship was to express solidarity, i.e., an expression of sharing a similar outlook and show of support without presuming complete identification. To be a concerned citizen was to stand for what one believed in, convey their support and let the

authorities know that the citizen community is concerned and watching. Solidarity, within civil rights activism took two forms, one that was extended towards movement groups and another that was fraternal and was expressed among various civil rights groups.

Solidarity Towards Movement Groups

To map the ways in which activists supported, and extended solidarity to, movement groups, let us begin with these observations by Ashish Gupta, a PUDR member who has been active in Assam, West Bengal and Delhi:

I do believe that there are many movements in the country against the state, they should exist. But many a times, people are not able to get behind those movements. If I didn't have family, maybe I would have been able to do more. The movements should feel supported by us. Since I can't do anything more, I should at least do this much.²⁵

Gupta expresses the need for civil rights activism so that the social movements in the country “feel supported”. He wanted to be more involved in local movements but given his constraints, and need to cater to a family, he was doing the next best thing: express solidarity. However, he was not the only one who spoke of the need to show support. The support or solidarity theme often came up in my interviews with other activists as well. Like Gupta, others too expressed regret and disappointment at not being able to do more for movement groups due to the demands of their jobs or familial obligations. In a sense, the expression of solidarity was a form of circumscribed radicalism for activists; a negotiation between the principles they supported and the constraints they faced as salaried middle class professionals. Helena Flam argues that solidarity, alongside “friendship, camaraderie, or family-like ties”, is crucial to sustaining social movements”.²⁶ In the case of the civil rights activists, the urge to support or express solidarity with movements groups played a strong role in how they came to imagine themselves and their role vis-à-vis movement

²⁵ Ashish Gupta, interview with author, December 12, 2015, New Delhi.

²⁶ Helena Flam, “Micromobilization and Emotions,” in *The Oxford Handbook of Social Movements*, ed. Donatella della Porta and Mario Diani (Oxford: Oxford University Press, 2014), 269.

groups. Their solidarity, expressed in a number of ways, was central to enacting concerned citizenship.

First, civil rights groups organised events for, or alongside, aggrieved groups. For instance, in June 1974, prisoners from the Alipore Central Jail, Presidency Jail and the Midnapore Jail in West Bengal went on a hunger strike to get the authorities to recognise their status as political prisoners and provide the facilities that they were entitled to.²⁷ The APDR started a solidarity hunger strike in Esplanade East, Calcutta and held a convention supporting the demands of the prisoners. Well-known film makers like Satyajit Ray and Mrinal Sen and actor Soumitra Chattopadhyay attended and signed the charter of demands.²⁸ Sanjay Mitra remembered: “In 1974, we could organize support from outside for political prisoners who were inside on a hunger strike... We had a hunger strike outside by family members and friends of political prisoners outside the CM’s house. This got very good support. Government allowed us to meet political prisoners because the strike had gone on too long”.²⁹

Second, they consulted local movement groups to determine their course of action. In 1981, the PUCL and the CFD attended a conference of activists in Hyderabad³⁰ to understand the experiences and difficulties of local activists to determine how they could be assisted. A report on the conference states that, “They [local groups] made useful suggestions as to how organisations like PUCL and CFD can render useful help in strengthening their work”.³¹ In this meeting, local activists suggested that the PUCL and the CFD could help with arranging legal aid, bring to the public the concerns of the movement, and conduct investigations. As a *PUCL Bulletin* noted:

It was suggested that activists who need legal help either in the course of their movement or to fight the false cases in which they are implicated can be helped by PUCL and CFD. These organisations can put before the general public the work of the activists in a proper perspective through the media... PUCL-CFD can send

²⁷ Nilanjan Dutta, *Rights and the Left: West Bengal 1977-2011* (Kolkata: Setu Prakashani, 2015).

²⁸ Sanjay Mitra, interview with author, January 11, 2016, Kolkata.

²⁹ Ibid.

³⁰ Currently, the capital of southern India’s Telangana state, but of Andhra Pradesh at the time.

³¹ “PUCL News,” *PUCL Bulletin* 1, no. 8 (December 1981).

investigating teams consisting of competent and known persons in the area and release the report to national press.³²

Earlier in the same year, the PUCL, in its National Council meeting, adopted a resolution that it would convene meetings with those who are active in various social movements in order to allow them to participate in planning the activities of the PUCL. “Meetings shall be convened with persons who are active in the trade union movement, the youth and the student movement and in the women’s movement... These meetings would aim at ensuring better participation of trade union workers, youth and women in the activities of the PUCL”.³³ Based on the feedback on the kinds of issues the movement groups needed its support, the PUCL set up teams and committees within the organisation.

Third, occasionally, especially in the early days of the organisations, some activists strategised with movement groups and participated in their protest action. Although direct participation was rare among the activists I interviewed, Pancholi, who was with the CFD and the PUCL, did recall his participation in strikes organised by workers from the Municipal Corporation of Delhi (MCD) in the 1970s:

Once, in 1977, when I was in the executive of the Drivers Union of the MCD, they used to drive the *kachra* [garbage] trucks. They were not being paid proper wages. We *gheraoed*³⁴ the MCD with garbage trucks. We organised it quite well. We never let anyone know. If they would find out, the police would stop us. We decided to meet at the Gandhi Samadhi, we then proceeded to the MCD and said we would not remove the trucks till our demands were met. The next day the newspapers covered the story widely under the title ‘Stinking Siege of the Corporation’. The same day in the evening a settlement was struck.³⁵

³² “PUCL Meets Activists,” *PUCL Bulletin* 1, no. 8 (December 1981).

³³ “National Council Meets,” *PUCL Bulletin* 1, no. 3 (June 1981).

³⁴ This is the Hinglish verb form of the noun *gherao*, whose literal meaning is encirclement. As practice, this involves a group of protestors surrounding or encircling a person of authority or a government building in order to restrict movement. In protest politics, it is used to denote a tactic to ensure immediate gains such as invitation to protest leaders by authorities for negotiations or meeting of demands that provide immediate relief or signal an intention to engage on the part of the authority.

³⁵ N.D. Pancholi, interview with author, August 25, 2015, New Delhi.

Fourth, activists created platforms for movement groups to be able to speak to one another and share their concerns and strategies. An interesting and unique experiment in this regard was *Lokayan*, a platform aimed at fostering a “dialogue of the people”. It was established in 1980 by a section of the academic community at the Centre for the Study of Developing Societies (CSDS) in Delhi, who attempted to facilitate and enable social movement politics. Though this initiative did not have any formal links with the civil rights groups, its founding members were activists, and it was set up in the same period as the PUCL and the PUDR. Both the groups also participated in the *Lokayan* dialogues. D.L. Sheth, a founding member of *Lokayan* as well as of the PUCL (Delhi), spoke about the need he and his colleagues felt in the 1980s to be involved in activism:

As an academic from here [Delhi] I wanted to have an activist involvement and therefore we conceived of *Lokayan*. It was through *Lokayan* that we came into contacts with the grassroots and movements. There were lots of dialogues, about 100 in a year, with activists. This is one way in which change comes. The sense I got was that the cue to social change in India was a politics of rights. I got into the politics of rights and through that I got involved into the activist events of all kinds.³⁶

Like Gupta, Sheth too spoke about this initiative as the best that could be done within the constraints of his class, and his professional and geographic location. And like Gupta, he too expressed guilt and regret about the circumscribed nature of this politics.

Lokayan started as a “forum for interaction between activists and *concerned* intellectuals through meetings, workshops, working groups and lectures” (emphasis mine).³⁷ It was set up with the belief that “[B]eing preoccupied with the dynamics of survival... these [movement] groups have not linked up with each other or with the mainstream democratic processes, so *Lokayan* has sought to provide a forum for such exchanges”.³⁸ These exchanges and issues were also published in a bi-monthly journal titled *Lokayan Bulletin*. It carried comments and analysis of the contexts and

³⁶ D.L. Sheth, interview with author, August 24, 2015, New Delhi.

³⁷ Lokayan, “The Right Livelihood Award,” [rightlivelihoodaward.org](http://www.rightlivelihoodaward.org), accessed January 20, 2018, <http://www.rightlivelihoodaward.org/laureates/lokayan/>.

³⁸ Ibid.

politics of various movements in the country, and published inventories and lists of various movement groups with their contact details as well as documents generated by movement groups. It also carried a feature titled “Struggle Notes”, which contained narratives of the experiences of local activists and the responses from the local administration and police.

Lokayan saw itself as a platform for the convergence of the aggrieved people, local activists leading their struggles, and movement sympathisers based in the national capital. “It is from this convergence of restless people getting increasingly conscious of their plight and a conscientious and equally restless class of volunteer politicians (to be distinguished from professional party politicians) on the one hand and *concerned* intellectuals on the other that new grassroots movements are emerging and pressing on the mainstream political process in India” (emphasis mine).³⁹ An important aspect of the expression of solidarity as concerned citizens for the Delhi-based activists was their work as facilitators and mediators for various movement groups.

Fifth, political solidarity was expressed by dissemination of movement issues, concerns and demands to the larger public and the press. Activists tried to raise the general level of awareness around the issues that movement groups faced and the rights that citizens ought to enjoy. It is here that their role as amplifiers becomes most evident. They attempted to raise public consciousness by speaking about both ongoing and potential threats to the rights of citizens and thereby encouraged public opinion and action. For instance, the PUCL bulletin carried a monthly column, titled “Know Your Rights”, that featured one of the constitutionally-guaranteed rights. The column provided information on the articles and procedures related to constitutional rights and the redress available. Some of the themes the column carried were the right to assemble peacefully and organise or protest, the rights in the context of preventive detention etc. Shujato Bhadra in Kolkata spoke about adoption of a similar strategy by the APDR of distributing booklets

³⁹ *Lokayan*, “Acceptance Speech – Lokayan,” [rightlivelikelihoodaward.org](http://www.rightlivelikelihoodaward.org/speech/acceptance-speech-lokayan/), accessed January 20, 2018, <http://www.rightlivelikelihoodaward.org/speech/acceptance-speech-lokayan/>.

in rural areas on the rights that the people were entitled to. They encouraged communities to contact them in case the local administration or the police violated their legal entitlements. The APDR also maintained a network of lawyers to deal with any reported situations of conflict.

Bhadra said:

“Know Your Rights in the Context of State Repression” ... we give this booklet freely to people, we go to villages and distribute this booklet. If the police picks you up what will you say? If there is a police raid, what are your minimum safeguards? Have our phone number, if you are facing any difficulty, give us a call. Then we develop a district lawyer connection, if someone called us we contacted that [the closest] lawyer.⁴⁰

The Delhi-based groups also held public meetings at the Boat Club (the official protest venue then) in New Delhi to share the information they had collected about the situation in various states and movement groups with the larger community of activists and the national press. Civil rights groups were expressing their concern for the issues that movement groups struggled against by enabling and amplifying their demands. Civil rights groups and activists supported movement initiatives, took them to the press, assisted movement groups and sometimes participated directly in protest action as an expression of their solidarity. They often expressed their own stake in the matter as that of a concerned citizen, as is reflected in the chosen title of organisations like the CFD (Citizens For Democracy). Developing a political solidarity with movement groups was a crucial aspect of this civic idea of concerned citizenship.

Fraternal Solidarity

Alongside the expression of solidarity with movement groups, civil rights groups also expressed solidarity with each other to build a fraternity of like-minded people across Indian states. Fraternal solidarity helped build a community of concerned citizens who could pool their resources and work as a collective. This did not necessarily imply that these groups were ideologically compatible, but it did strengthen civil rights groups so that they could become connected to other similar groups across states. This solidarity was particularly useful when cases that civil rights groups were

⁴⁰ Shujato Bhadra, interview with author, January 7, 2016, Kolkata.

representing moved from the state high courts to the Supreme Court, or when Delhi-based groups needed to coordinate with regional groups that were located closer to the site. Gupta mentioned a recent example of an attempt to build a common platform for various civil rights groups. In 2007, he was active in the formation of an umbrella group, the Coordination of Democratic Rights Organisation (CDRO). The CDRO is a coalition of approximately 20 civil and democratic rights organizations from across India. He said: “I always try for rights organisations to come together and work with each other. There aren’t big differences; we should all be able to come together to have a stronger voice. There should be unity on a common minimum programme”.⁴¹

Most often, fraternal links between civil rights groups were created through direct personal networks and contacts. Mitra recalled the personal networks that linked West Bengal activists with those of other Indian states. He said:

We also got support from other states, from Orissa we got a letter from Malati Choudhury [of the Orissa Civil Liberties Committee], the wife of the first Chief Minister of Orissa. She was glad that such an effort [the establishment of the APDR] was initiated. We also had support from Bihar, APDR had a branch in Patna from the beginning of 1973. We had contact with P. Venkateswarlu who was running APCLC [Andhra Pradesh Civil Liberties Committee] in Andhra Pradesh.⁴²

Other activists too spoke about coordination amongst civil rights groups on specific cases. Manoranjan Mohanty spoke about the personal links and networks that brought together the Orissa, West Bengal and Delhi activists. He also remembered the contributions of the prominent *sarvodaya* leader, Malati Choudhury, who played an important role in forging these links. She was from West Bengal and had studied at Visva-Bharati University, Santiniketan where she met Nabakrushna Choudhury. They got married and moved to Orissa. They had played an active role in the anti-colonial movement and were well-known Gandhian socialists. Nabakrushna Choudhury was the first Chief Minister of Orissa (1950-56). Malati Choudhury had been a member of the Constituent Assembly of India and became the president of the Orissa Civil Liberties Committee.

⁴¹ Ashish Gupta, interview with author, December 12, 2015, New Delhi.

⁴² Sanjay Mitra, interview with author, January 11, 2016, Kolkata.

She was among the early voices to condemn the encounters of Naxalites by the police.⁴³ She also played a crucial role in arranging support for Nagbhushan Patnaik (discussed below). These shared visions of their own role as activists and fraternal solidarities built and strengthened a community of concerned citizens. They helped activists feel a sense of belonging to a wider network of like-minded people and solidified their new role as well as their political consciousness.

Fraternal solidarity also linked national and international groups. One such link was forged with the help of Mridula Sarabhai, a Gandhian leader who was a veteran of the national movement for independence. Upon independence, following Gandhi's example, she had declined any position of power within the Congress and continued to work among the partition riot victims. She was very sympathetic to her friend Sheikh Abdullah and was imprisoned in 1965 in relation to the Kashmir Conspiracy Case.⁴⁴ She was adopted as a 'prisoner of conscience' by the Amnesty International, and later, in 1968, she was instrumental in setting up the Amnesty's India branch. Sarabhai was a link between various civil rights groups and the Amnesty. It is possible that the Amnesty's decision in 1971 to carry out research for a report on the conditions of the prisons in West Bengal was linked to Sarabhai's role within that organisation. In any event, the APDR facilitated the Amnesty's study. They put the Amnesty officials in touch with the people who had recently been released from the prisons to set up interviews about prison conditions.⁴⁵

Thus, the horizontal component of concerned citizenship involved expressions of solidarity with regional movements groups as well as fraternal activist community. Civil rights groups expressed solidarity with various regional social movements by organising events, assisting them with legal aid, participating in their events or organising coinciding events as well as providing

⁴³ Manoranjan Mohanty, "Malati Choudhury," Blog. Anti MNC Forum, accessed March 20, 2018, <http://Samajwadi.Blogspot.Co.Uk/2012/10/Malati-Choudhury-By-Prof-Manoranjan.Html>.

⁴⁴ The Kashmir Conspiracy Case refers to an alleged attempt by Sheikh Abdullah and others to espouse the cause of an independent Kashmir. The charge was brought by the Government of India in 1958. For more information, see https://www.foreignpolicyjournal.com/2010/08/05/negotiations-on-kashmir-a-concealed-story/?wpm_switcher=desktop

⁴⁵ Debashish Bhattacharya, interview with author, January 7, 2016, Kolkata.

a platform for exchange of information among movement groups. Simultaneously, they also expressed solidarity towards each other to pool resources as well as to both strengthen and reinforce their identity as concerned citizens.

Discord Amidst Solidarity

Typically, the activists supported the efforts of like-minded movement groups and people. However, there were also instances wherein solidarity was expressed despite differences between activist perceptions of their own role and of those whom they were representing. These moments of discord reveal the respective expectations of the two actors distinctly as opposed to moments in which civil rights activists and those they were representing concurred. This sub-section examines three such instances below.

As mentioned earlier in the study, a significant part of civil rights activism involved approaching courts on behalf of aggrieved groups. The civil rights groups saw the judiciary as an important forum to seek reprieve. Towards this end, they either provided legal aid directly or arranged *pro bono* representation for movement group activists who were facing charges by the police or local administration. The activists I interviewed gave primarily two reasons for their resort to the courts. Firstly, they said that the issues they took to the courts—such as capital punishment—were not likely to be taken up by political parties within the electoral domain or find representation in parliament. Secondly, often, activists from movement groups were unable to afford the fee for legal defence. Trials took a long time and families needed financial support during that period.

A revealing story of activist effort to help those with whom they had political differences involved arranging legal defence for a political prisoner who refused all help and consistently dissociated himself from those who defended him. This was the case of Nagbhushan Patnaik who was a CPI(ML) Central Committee member from Orissa, and who was charged with sedition

in what was called the Parvatipuram Conspiracy Case.⁴⁶ He was sentenced to death in December 1970 by the sessions court at Vishakhapatnam, and this decision was confirmed by the Andhra Pradesh High Court the following year. His party did not believe in cooperating with the state or in using any of its institutions. In line with the CPI(ML) ideology, Patnaik rejected the authority of the ‘bourgeois court’ and refused to cooperate with attempts made to defend him and apply for mercy. Nevertheless, the civil rights groups led a campaign against his death sentence. The campaign was supported by well-known political leaders like JP, Harekrushna Mahtab⁴⁷ and Malati Choudhury.⁴⁸ In early 1974, the government decided to commute Patnaik’s death sentence into life imprisonment.⁴⁹ Mohanty recollected:

I supported this initiative in Orissa which was mainly to help the families of the recently arrested Naxalites... or [those that] went underground. Among them, two were very close to us - Rabi Das and Nagbhushan Patnaik. We wanted to defend their case, their families we wanted to support... to ensure that these people who got arrested must get proper treatment in jail and their families must get support and they must not be tortured.⁵⁰

The case ended in 1979 with the acquittal of all the accused, including Patnaik, who was one of the principal accused. However, the Andhra Pradesh government appealed to the Supreme Court against his acquittal. The civil rights groups continued to provide him legal defence in the case and were able to seek, in 1981, his release on parole on grounds of failing health. Mohanty and others also sent out appeals to collect financial contributions for Patnaik, particularly when he was ill and admitted to the Cuttack Medical College Hospital in 1981.⁵¹

⁴⁶ The Parvatipuram Conspiracy Case (1969) was a case of sedition filed by the Andhra Pradesh government against almost 200 Naxalite leaders and cadre, most of whom were already imprisoned. The case was related to an armed struggle against the state by tribals and peasants of Srikakulam during 1968-70. See “Parvatipuram Conspiracy Case: Judgement Ends Naxalite Phase of Indian Politics,” *indiatoday.in*, accessed July 17, 2018, <https://www.indiatoday.in/magazine/indiascope/story/19760930-parvatipuram-conspiracy-case-judgement-ends-naxalite-phase-of-indian-politics-819619-2015-04-29#close-overlay>.

⁴⁷ Senior leader of the Congress and Chief Minister of Orissa from 1946-1950.

⁴⁸ Sumanta Banerjee, “Nagbhushan Patnaik and his Political Legacy,” *Economic and Political Weekly* 33, no. 44 (1998): 2775.

⁴⁹ “Strained Mercy,” *Ibid.* 9, no. 3 (1974): 53.

⁵⁰ Manoranjan Mohanty, interview with author, September 25, 2015, New Delhi.

⁵¹ “Appeal to Donate Contributions,” *PUCCL Bulletin* 1, no. 4&5, Aug-Sep (1981): 6.

Of course, activist support was vital for the Patnaik case. But since the legal aid in this case was unsolicited, it points to activists' appreciation of the structural reasons that led to the Naxalite movement, as well as an admiration for people who did not compromise with their political principles. At the same time, it highlights their commitment to intervene in such cases. They saw Patnaik's moral stand to be uncompromising. Yet, unlike him, they neither rejected the legal system nor the opportunities offered by it. As an expression of their concern, they acted on his behalf despite his refusal to seek help.

The second case was also an attempt at litigation by activists despite not being an affected party. It involved a controversial instance of investigative journalism. In 1981, journalist Ashwini Sarin of *The Indian Express* bought a woman named Kamla for 2,300 Indian rupees from the common border of the states of Rajasthan and Uttar Pradesh and brought her to Delhi. The act was clearly in violation of the law, but Sarin had done this to expose the prevalence of large-scale trafficking of women in India.⁵² In this operation, he worked secretly and with the consent of Arun Shourie, who was the executive editor of the newspaper as well as a civil rights activist. They subsequently filed a writ petition in the Supreme Court asking it to direct the government to both check women's trafficking as well as arrange a home for Kamla. In the context of the petition, Shourie wrote that they decided to not make Kamla a part of the petition because they wanted the court to recognise those other than the directly affected parties as stakeholders. He writes, "[W]e deliberately chose not to make Kamla one of the petitioners as we wanted, among other things, to obtain a definitive pronouncement from the Supreme Court about the rights of citizens to move courts on matters of public concern".⁵³

⁵² Om Gupta, "Indian Express Pulls Off a Smart Journalistic Coup, Exposes a Sordid Flesh Trade," *India Today* (2013), accessed December 4, 2017, <https://www.indiatoday.in/magazine/society-the-arts/media/story/19810531-indian-express-pulls-off-a-smart-journalistic-coup-exposes-a-sordid-flesh-trade-772915-2013-11-22>.

⁵³ Arun Shourie, "On Why the Hon'able Court Must Hear Us," *PUCL Bulletin* 1, no 4&5, Aug-Sep (1981): 6.

As he listed his reasons for why the Supreme Court should consider widening the *locus standi* on such cases, he argued that citizens like him and Sarin were “*duty bound*” to bring up such matters to the court, and that the court must allow citizens to follow their duty:

I shall set out (i) principles which Courts abroad and in India have already accepted and which can now provide the foundation for public interest litigation; (ii) features special to our circumstances today on account of which, I respectfully submit, Courts should liberalise even further the rules governing standing; (iii) reasons why citizens are duty-bound to draw such matters to the attention of the Courts and why judges are duty-bound to hear them; and (iv) the criteria by which the *locus standi* of citizens and groups who are themselves not the direct victims of the impugned act or event should, I respectfully urge, be judged.⁵⁴

Kamla was admitted to an orphanage by the orders of the Supreme Court. According to an article in *The New York Times*, she resented the orphanage and its restrictions as well as the religious workers there. She was confused by what had happened to her and thought it was the responsibility of those who had bought her to take care of her.⁵⁵ The episode generated much controversy that would make for a separate and interesting story. For our purposes here, it shows that activists were very keen to open a channel for their own intervention in matters of public concern, even if they were not the aggrieved parties. Specifically, they sought to persuade the judiciary to accord third-parties the right to intervene on behalf of a social group or individuals when justice was denied to them or when their rights were violated.

The third case demonstrates that the activists’ support to victims was not unconditional. Although they were strongly committed to supporting victims of state violence, the activists did care for a shared ethical principle with those whom they sought to help. They had a clear sense of their role *independent of the wishes of those they decided to represent*. Thus, Bhadra mentioned a case in which the APDR dissociated from a case after having initially decided to take it up. The victim, Dipak Ghosh, was tortured to death in police custody in West Bengal’s Nadiya district. The APDR

⁵⁴ Ibid.

⁵⁵ Michael T. Kaufman, “Price of a Woman in India: \$306 and much sorrow,” *nytimes.com* (1981) accessed April 21, 2018, <https://www.nytimes.com/1981/08/11/world/price-of-woman-in-india-306-and-much-sorrow.html>.

decided to file a case against the Superintendent of Police. When the matter was about to appear in court, the APDR got a call from the family of the victim with the request to withdraw the case.

Bhadra said:

We were shocked. We went there immediately, mother and others telling us “please don’t appear tomorrow, they are going to give us money. 5 lakhs, we will take the case back”. We said [reprimanding her] “you are the mother! You are accepting money!” She said I need to look after my children and family. We said we are going to declare publicly that we have nothing to do with your case. We came back. Next day we held a press conference and declared that we had nothing to do with the Dipak Ghosh case. We denounced it.⁵⁶

The case illustrates the activists’ stance against buying a victim’s silence or witness tampering and their frustration at not being able to speak against these malpractices due to the decision of the victim’s family to accept the money. As an organisation that provided *pro bono* services to victims, APDR stated clearly that they were against the victim and the accused agreeing for a payment in exchange for pursuing justice through courts.

These three cases of disagreement reveal the civic subjectivity of the activists involved, and so the practice of concerned citizenship, as they bring forth the self-perception of the activists as separate from those whom they allied with. They allow us to shift the focus from concrete acts of solidarity to the terms on which civil rights groups made solidarity available to movements via legal defence. In all three instances, activists acted upon the political values they endorsed and abided by. It reveals that activists considered themselves independent stakeholders in the issues they took up. Their participation was not necessarily dependent on whether it was solicited. They had appreciation for one’s effort to hold on to one’s principles and values without making any compromises. In the Patnaik case, activists were impressed by his commitment to communist principles and his disregard for his personal comfort. However, in the Nadiya case, the willingness of the victim’s family to negotiate for money caused APDR to disassociate itself from them. As

⁵⁶ Shujato Bhadra, interview with author, January 7, 2016, Kolkata.

concerned citizens they were not only extending solidarity but attempting to provide an ethical leadership in various situations. In the case of Kamla, the activists' desire to provide an ethical leadership and earn a status that allowed them to bring up issues of national concern was perceived by them to be of greater consequence than Kamla's immediate expectations and her particular grievance.

The Vertical Component: Concerned Citizenship as Civic Contestation

The state provides the political context for citizenly claim making and political membership. Activist perception of the state has been analysed in multiple chapters of the thesis. The influence of direct and immediate experience of the state in determining activist trajectory and outlook is examined in Chapter 1. An organisational split over contrasting outlooks is examined in Chapter 4. And the desire to expose the state and yet, somewhat paradoxically, get the state to recognise its own violations have been examined in Chapter 3. This section examines the vertical component of concerned citizenship by looking at how activists addressed the state, made claims on it, and presented it in the narratives of their activism. In relation to the state, concerned citizenship was practiced by the groups and activists in three ways. Firstly, civil rights groups tried to set an example of how the state should administer justice by setting up non-official courts in the form of people's tribunals and set an example for state institutions. Secondly, they contested the governmental prescriptions of an ideal citizen and put forward their own model of what an ideal citizen ought to do. Lastly, civil rights groups campaigned and raised issues of state impunity. Through these practices, civil rights groups sought to establish a specific type of citizenly relationship with the state that rested on contestation.

Leading by Example

The first mode of addressing the state involved instances where civil rights activists set an example for state institutions by establishing people's tribunals. A typical tribunal consisted of retired judges

and activists. It broadly followed the procedure that corresponded to a domestic court to establish and locate culprits in instances of state violence. It mentioned the laws that were violated, named the guilty, and prescribed punishment under the relevant sections of the Indian Penal Code. An umbrella body under which a number of people's tribunals were established was the Indian People's Human Rights Commission (IPHRC). Established in 1986, it "consisted of *concerned citizens* like Mrinal Sen, A.R. Desai, Romila Thapar, V.M. Tarkunde and Bhagwan Das" (emphasis mine).⁵⁷

In 1986, activists like P.A. Sebastian from the Committee for the Protection of Democratic Rights (CPDR), Mumbai, Nandita Haksar from the PUDR, Shujato Bhadra from the APDR and K. Balagopal from the APCLC came together to set up the Indian People's Human Rights Tribunal (IPHRT), under the aegis of the IPHRC, to adjudicate on cases of state violence. This initiative bore close resemblance to the International War Crimes Tribunal (1967), which was set up by intellectuals like Bertrand Russell and Jean Paul Sartre in the context of the Vietnam War (1955-75).⁵⁸ One of the first cases the IPHRT examined was an incident of police firing in Arwal, Bihar in 1986. The complaint was made by the Mazdoor Kisan Sangram Samiti (MKSS), a left-wing peasant's organisation, whose 21 members had died in the firing. Although the collector of the area had found the firing "unwarranted, unorganised and uncontrolled", he was 'advised' by his superiors to not mention this in his report.⁵⁹ In addition, the police claimed that a mob of a 1,000 MKSS activists and sympathisers had threatened to attack the police station. The tribunal investigated the case and produced a 104-page report that situated this incident in the context of the larger socio-economic conflict in Bihar. The report brought together the facts of the case,

⁵⁷ Bernard D'Mello, "Indian People's Human Rights Commission," *Economic and Political Weekly* 22, no. 4 (1987): 121.

⁵⁸ The International War Crimes Tribunal was the first non-official, citizen-initiated international war tribunal. It met twice and published a report on its evaluation of the American foreign policy and its military intervention in Vietnam. The report of the tribunal helped shape public opinion against the US intervention in Vietnam.

⁵⁹ Farzand Ahmed, "Arwal Massacre: Bihar C.M. Bindeshwari Dubey Justify Police Action," *India Today* (1986), accessed May 17, 2018, <https://www.indiatoday.in/magazine/indiascope/story/19860531-arwal-massacre-bihar-cm-bindeshwari-dubey-justify-police-action-800894-1986-05-31>.

recorded investigations, and examined 48 witnesses or victims. It also interviewed the members of victim families and journalists who were present at the location immediately after the incident. Predictably, no one from the local police or administration deposed before the Tribunal.⁶⁰ The initiative as well as the report were well-covered in the press,⁶¹ but the government ignored them.

The IPHRC produced several other reports subsequently. Justice Hosbet Suresh from Mumbai, who was part of some of the subsequent tribunals (on Cauvery riots of 1991⁶² and the Bombay riots of 1992-93⁶³) described the idea behind an IPHRC tribunal to me. He said, “all over the world, there is fact-finding but this [an IPHRC tribunal] went a step further. The concept of a tribunal is that the local people and NGOs present facts before us. We then weigh the facts and send a prima facie report with charges and punishments to government”.⁶⁴ He also said that a people’s tribunal did a better job of its mandate than a government established commission with a similar mandate. He compared the report of the Justice B.N. Srikrishna Commission that was appointed by the government to enquire into the Bombay riots with the report that IPHRC had released through a people’s tribunal. Justice Suresh said, “So, we took six months. Srikrishna was officially appointed, he took six years. You see his conclusions and our conclusions and it’s the same. In fact, ours is more forthright. We had named the guilty police people and suggested what actions could be taken against them within the ambit of the law, whereas his report just said –

⁶⁰ T.U. Mehta and P.S. Poti, “Report of the Indian People’s Human Rights Tribunal on Arwal Massacre,” ed. IPHRC (1987) accessed June 20, 2018, <http://www.unipune.ac.in/snc/cssh/HumanRights/02%20STATE%20AND%20ARMY%20-%20POLICE%20REPRESSION/C%20Bihar/06.pdf>.

⁶¹ Indranil Banerjee, “Arwal Peasants’ Case: Rights Body Formed to Protest against Atrocities Committed by Govts,” *India Today* (1987), accessed May 16, 2018, <https://www.indiatoday.in/magazine/living/story/19870331-arwal-peasants-case-rights-body-formed-to-protest-against-atrocities-committed-by-govts-798678-1987-03-31>.

⁶² The Cauvery Riots refers to the violence against Tamil people in southern Karnataka in December 1991. For further details see T. Arvind, “Cauvery Issue: A Timeline,” *The Hindu*, June 14, 2013, accessed May 20, 2018, <http://www.thehindu.com/news/resources/cauvery-issue-timeline/article11264946.ece1>

⁶³ The Bombay Riots (1992-1993) were a series of riots that took place due to the escalation of communal hostilities between Hindu and Muslim groups. The riots followed the large-scale protests by Muslims in response to the Babri Masjid demolition in Ayodhya, U.P. in 1992. See M. Rahman, “Bombay Riots: Unimaginable Violence Leaves at least 500 People Dead,” *India Today* (1993), accessed May 20, 2018, <https://www.indiatoday.in/magazine/cover-story/story/19930131-bombay-riots-unimaginable-violence-leaves-at-least-500-people-dead-810637-1993-01-31#close-overlay>.

⁶⁴ Justice Hosbet Suresh, interview with author, January 24, 2016, Mumbai.

“Take action””.⁶⁵ Justice Suresh believed that as opposed to the commissions appointed by the government that were slow, ineffective and not sufficiently fearless, the people’s tribunal were faster, bolder and set a model worth imitating.

Even though their judgements did not have any binding legal force, these tribunals set up a non-official process of securing justice that was public and ‘judicial’ but civil society based. These tribunals were activist attempts to highlight that the courts or government-appointed commissions had repeatedly failed to provide justice due to political pressure. They were not only asking the state to perform its duties but also demonstrating to the state and the public what the state ought to do and how. The setting up of these tribunals was an activist attempt to lead by example.

Challenging the Governmental Idea of a Model Citizen

An important aspect of the practice of concerned citizenship vis-à-vis the state was—and remains—an ongoing contestation over what constitutes a model citizen. The government, the defence establishment, the police, and sections of the media have often referred to civil rights groups as “anti-national” and “anti-Indian” front organisations for extremist groups.⁶⁶ Activists have been arrested on charges of sedition or of endangering national security. Ironically, activists claim that they act out of a sense of heightened conscience and civic awareness. They also claim that their work is in concurrence with India’s constitutional vision and that they value their responsibility as citizens. Thus, there has been an ongoing contestation between the state and the civil rights activists on what constitutes a model citizen. This sub-section examines the contrast

⁶⁵ Ibid.

⁶⁶ For instance, a 2014 leaked Intelligence Bureau of India report, titled “Impact of NGOs on Development” (2014) named activist groups that were ostensibly being encouraged by foreign donors to provide information that added to an unfavourable opinion of India. The report argued that the information these activist groups and NGOs provided was then used by various countries to push forward their strategic foreign interests. In this report the PUCL is listed as one of the organisations that are attempting to stall development in India. See Debroah Doane, “The Indian Government has shut the door on NGOs,” *theguardian.com* (September 7, 2016), accessed July 11, 2018, <https://www.theguardian.com/global-development-professionals-network/2016/sep/07/the-indian-government-has-shut-the-door-on-ngos>; “Foreign-funded NGOs stalling Development: I.B. Report,” *timesofindia.indiatimes.com* (June 12, 2014), accessed July 11, 2018, <https://timesofindia.indiatimes.com/india/Foreign-funded-NGOs-stalling-development-IB-report/articleshow/36411169.cms>.

between the governmental models of citizenship and the one present in the reports of civil rights groups to illustrate this contestation.

Governments in postcolonial India have not only legislated on citizenship but also encouraged an ideal citizenly conduct through vision documents, official communication and advertising. In this context, Arvind Rajagopal examines the messages and advertisements that were sent out from the government during and after the Emergency. He argues that in the 1970s and 80s, the government encouraged the creation of a citizen community that valued and practiced efficiency and considered politics an extravagance.⁶⁷ He writes that “[A] host of actions were targeted as being deleterious for the nation, from economic crimes such as adulteration, hoarding, tax-evasion and smuggling to forms of behaviour not previously subject to state punishment, such as inefficiency, rumour-mongering, lack of productivity at work and over-productivity with respect to procreation”.⁶⁸ The ideal citizen was framed as an economic asset to the country. Rajagopal also argues that such governmental publicity worked by generating consent among citizens instead of deploying coercion. “The government offered messages as good advice framed in such a way that one was expected to agree and, perhaps, pass the word on”.⁶⁹ Government announcements and advertisements would suggest that “[T]he nation was ‘on the move’ and there was much to be done. ‘Less talk’ meant ‘more work’, so there was little need for discussion”.⁷⁰ In sum, both during and after the Emergency, the government valorised and recommended a specific form of economic efficiency and obedience as marks of an ideal citizen.

More recently, a notion of an “active citizen” in the context of “participatory governance” has been promoted and emphasised by governments, NGOs and development agencies in the postcolonial world.⁷¹ This discourse recasts citizenship in active terms as a partnership with

⁶⁷ Arvind Rajagopal, “The Emergency as Prehistory of the New Indian Middle Class,” *Modern Asian Studies* 45, no. 5 (2011): 1004.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid., 1026-1027.

⁷¹ Robins, Cornwall, and Von Lieres, “Rethinking ‘Citizenship’ in the Postcolony,” 1071.

government agencies and NGOs. It imagines the transformation of citizens from passive recipients of services into active volunteers ensuring that those services remain available. For instance, in 1998, the Delhi government launched a scheme of democratic governance called Bhagidari (Participation).⁷² This scheme claimed to make citizen groups like RWAs and NGOs stakeholders and partners in governance. Issues such as sanitation, smooth functioning of water supply, law and order and environmental damage were taken up as part of the initiative. The scheme suggested that volunteer efforts needed to be directed towards programmes to clean the city's river, volunteer with the local government schools, keep vigil and report suspicious activity to the police etc. Thus, a scheme such as Bhagidari identifies sites of participation for civic-spirited citizens and demonstrates a governmental imagination of ideal citizenly conduct.

An instructive contrast to the ideas of the model citizen as an efficient labourer (in the 1970s and 80s) and a participant in good governance (in the 1990s), can be seen in a 1988 report of the PUDR titled "A Citizen's Guide to Rajiv Gandhi's India".⁷³ Written as a satirical warning, the report lists the possible violations of civil rights that extraordinary laws/terror laws in India allow the police/army to carry out. The report states that "the following pages are an attempt to warn the citizens of India of the unduly wide scope of powers being given to the police, the paramilitary forces and the army under these acts, which violate the right of an ordinary citizen to go about his/her legitimate business of daily life without unnecessary interference".⁷⁴

It lists the "menacingly stupendous and all-embracing" scope of extraordinary laws⁷⁵ and lists the many ways in which provisions of extraordinary laws could be used against innocent citizens. The report carried sections such as "Beware of speaking and writing", which cautioned

⁷² Bhagidari was a Government of Delhi initiative to promote broad based civic participation in local governance launched in December 1998.

⁷³ PUDR, "A Citizen's Guide to Rajiv Gandhi's India," in *Expanding Governmental Lawlessness and Organized Struggles*, ed. A.R. Desai (New Delhi: Popular Prakshan, 1991), 319.

⁷⁴ Ibid.

⁷⁵ The report mentions acts like the Andhra Pradesh Suppression of Disturbances Act, 1948, the Armed Forces Special Powers Act, 1958, the National Security Act, 1980 and the Terrorist Affected Areas (Special Courts) Act, 1984.

the citizens, and also sections such as “If you are a journalist”, “If you are a doctor, lawyer or teacher”, “If you are arrested”, which contained references to possible legal provisions that could be used to obstruct the ordinary entitlements of citizens. The report ends with “A last tip for citizens”: “To survive in Rajiv Gandhi’s India: Begin to protest against the Black laws. Talk to friends, neighbours, relatives, colleagues, fellow-workers. Take part in actions... Speak up! Before there is no one left to speak for anyone”.⁷⁶ Furthermore, the report argues that the Government of India had effectively rendered a large part of the Indian population as “second class citizens” by declaring parts of India ‘disturbed’. These citizens were vulnerable and unable to do the routine activities that citizens in other parts of the country could. “Given the habit of the police to display arbitrary attitude or excess of zeal in performing their duties, one can well imagine how these laws can be bent by them, to harass and endanger individual citizens”.⁷⁷

The politically-conscious citizen presupposed in this report is in complete contrast with the efficient or the active citizen imagined by the government or the NGOs. The citizen imagined in the PUDR report is alert and watchful of government, protects their rights from police encroachment, and furthers them by making demands on the government. The PUDR report highlights dissent as a virtue in democratic participation and encourages citizens to monitor the government as well as ensure that the state fulfils its obligations towards them. The two ideas of the model citizen are radically different from each other.

‘Anti-National’ Citizens?

The contrast between the governmental and the activist ideas of a model citizen was also found in practice. Ashis Nandy narrates an episode connected to Kapilprasad Bhattacharjee, the first president of the APDR. In the 1960s, Bhattacharjee had been a strong critic of the Damodar Valley Corporation (DVC), a public-sector company involved in hydro power production in West Bengal.

⁷⁶ PUDR, “A Citizen’s Guide to Rajiv Gandhi’s India,” in *Expanding Governmental Lawlessness and Organized Struggles*, ed. A.R. Desai (New Delhi: Popular Prakshan, 1991), 319.

⁷⁷ Ibid., 318.

Nandy describes him as the “first in South Asia to develop a systematic technical and social critique of large dams”.⁷⁸ In 1961, the *Ananda Bazar Patrika* published a piece that describes the government’s overreaction to Bhattacharjee’s critique of the Farakka Barrage project:

The central government’s attention has been drawn to the propaganda being spread by a group of people that the Farakka Barrage is harmful to West Bengal. The state government has been given instructions by the central government to find out the details about the leader of this propaganda. It has also been revealed that Pakistan, taking advantage of this propaganda, is conducting an anti-India propaganda internationally.⁷⁹

In the central government’s narrative, Bhattacharjee had not just critiqued its policy of large dams but also acted in a manner that benefitted a hostile foreign government and did not befit a citizen. Like Nandy’s rendering of the story, several members of the academic and activist communities characterised governmental response to any critique by civil rights activists in particular as a paranoid attack to silence critics.

The activists I interviewed narrated stories of being arrested on charges of being anti-national, instances of their reports being banned, or of their homes raided by the police. Of interest to us in these narratives is the way they speak about the state. Contrary to what one might expect, most activists did not narrate their encounters with the state’s coercive apparatus with a sense of shock or trauma. They did not tell of police repression or setback to activism. Some dismissed such instances as an expected and minor price to pay. They were reluctant to tell their own stories since they believed that it would shift the focus away from the people whom they represented—ones that suffered severe ordeal and trauma on living in conflict zones. For them, in comparison to those they worked for, their own stories were not significant. Others narrated these stories as humorous and mildly-annoying episodes. They found the police extremely powerful and

⁷⁸ Ashis Nandy, *The Romance of the State and the Fate of Dissent in the Tropics* (New Delhi: Oxford University Press, 2003), 187.

⁷⁹ Cited in *Ibid.*, 188.

threatening, and, at the same time, panic-ridden, fearful and incompetent. Gupta narrated the story of his arrest:

I was arrested too. [The police charged] that I was involved with the ULFA [United Liberation Front of Assam]. There was a file in my house which had ULFA related information, just one copy, not multiple copies [indicating that material was not for propaganda or distribution but journalistic work]. I was under arrest for about 19 days. That was done just to intimidate us.⁸⁰

Interestingly, activists reported that these acts of persecution exposed the real face of government and reinforced the need for civil rights activism. Gupta said:

Many of our leaders have been arrested, but see, the more the repression, the better it is in a way. The more the state does repression, the more it exposes itself. The more it exposes itself, the more people will see the real face of the state and come to join us. [Say] in a newspaper, if the editor or the reporter gets arrested [on false grounds], that still gets the paper visibility. If someone is killed and we can prove that the state is behind it, the state loses credibility.⁸¹

Some activists saw the government's accusations that they were fronts for extremist organisations or Maoist sympathisers as routine governmental tactics to divert attention and damage the reputation of the civil rights groups. Speaking about the allegation that the APDR was Maoist, Shujato Bhadra said that governments labelled them so because it suited the political party in power:

Before they [CPI(M)] used to say that APDR is Maoist. Buddhadev Bhattacharya openly accused that we are Maoist outfit. We are accustomed to that. We issued a statement condemning the Chief Minister. Now [that they are not in power] we are not Maoist. Now, they will use our reports. Now, Mamta Banerjee [All India Trinamool Congress] tells us that you are Maoist. They [Banerjee's party] used our reports earlier.⁸²

He dismissed the allegation that activists were, effectively, traitors and said that it was part of governmental tactic to undermine those who did not support it wholeheartedly. Bhadra claimed

⁸⁰ Ashish Gupta, interview with author, December 12, 2015, New Delhi.

⁸¹ Ibid.

⁸² Shujato Bhadra, interview with author, January 7, 2016, Kolkata.

that these allegations were made only by the ruling party and stopped once the party was not in office.

Most activists agreed that such governmental actions were intended to intimidate and not prosecute. The cases that the police registered were not strong enough to prosecute. It is well-known that, given the volume of the cases that are pending in Indian courts, people have to face great difficulties of participating in a technical, financially-draining and time-consuming legal process. The activists saw accusations and arrests as attempts to weaken their activism. As Pancholi put it:

The charge of being anti-national is not new for us. In Punjab, there was a case of sedition against us. We had done investigations many times, particularly against police etc. We had also come up with a report, called “Oppression in Punjab: Report to the Nation”. This enraged Rajiv Gandhi and he said, ‘Why this report is around when the issue is dead?’. As soon as CFD report was published in the newspaper, the charge of sedition was slapped on to the people who were involved in the publication.⁸³

Here, Pancholi speaks about the Delhi government’s response to a report that the CFD had published. The government banned this 150-page report and ordered the seizure and destruction of all its copies. The police arrested Pancholi and the other authors of the report. They were charged with sedition and with Section 153[A] of the Indian Penal Code that covered acts “promoting enmity between different groups on grounds of religion, race, place of birth, residence, etc. and doing acts prejudicial to maintenance of harmony”.⁸⁴ Pancholi said that the whole situation was humorous in a dark way as the police was incompetent and it was the state that lost its credibility in the process and not the activists:

The judge asked the prosecution, ‘What was the crime of those arrested?’ He said, ‘They had written a book that is seditious’. The judge asked to see the book, but the fellow did not have the book with him. The judge said, ‘I cannot ask to arrest till the book is brought’. The book was brought later on the same day at 3 pm. The judge then asked for what was seditious in that book. The prosecutor said, ‘I haven’t actually read the book’. The judge said, ‘How come you have arrested people when you haven’t read

⁸³ N.D. Pancholi, interview with author, August 27, 2015, New Delhi.

⁸⁴ Sumit Mitra, “Rajiv Gandhi Govt Cracks Down on Rights Group, Bans Controversial Report on Punjab,” *India Today* (2014), accessed July 24, 2018, <https://www.indiatoday.in/magazine/indiascope/story/19851015-rajiv-gandhi-govt-cracks-down-on-rights-group-bans-controversial-report-on-punjab-802064-2014-01-13>.

the book?’ The prosecution said, ‘Actually there was an order from above.’ The judge then said that he was not satisfied with the charges made and that these were honourable members of the society, lawyers, academics, journalists etc. They have not been seditious they have simply criticized the government.⁸⁵

Thus, in activist narratives of their arrest and encounters with the police, the state authorities came across as panic-ridden, fearful and incompetent. The activists thought that minor and routine criticism was magnified by the state as seditious activity to intimidate activists. They argued that the sedition charge and laws around national security were tools for the state to silence legitimate protest. In their long campaign demanding the repeal of sedition law, Section 124-A of the Indian Penal Code, activists have often asked the Congress governments to remember their own legacy. They quote from the parliamentary debate on the first amendment to the Constitution in 1951, where Nehru had expressed his dissatisfaction with the provision of sedition.⁸⁶ They also quote Gandhi’s speeches from his sedition trial.⁸⁷ Article 51A of the Indian Constitution asks every citizen to “cherish and follow the noble ideals which inspired our national struggle for freedom”. The activists have read into this article a mandate for civil rights activism. They often accuse the governments of not following the spirit of the Indian Constitution or its freedom struggle. At the same time, they have claimed to have taken the promise of the Indian Constitution and the spirit of the anti-colonial movement seriously.

State of Impunity

A central task of the civil rights groups was to expose the dangers of state violence. Despite the rhetoric of the primacy of the rule of law, separation of powers and democratic accountability, state violations of rights or abuse of power often remains invisible and unaccountable. In

⁸⁵ N.D. Pancholi, interview with author, August 27, 2015, New Delhi.

⁸⁶ Nehru is reported to have said: “So far as I am concerned, that particular section 124A is highly objectionable and obnoxious and it should have no place both for practical and historical reasons... the sooner we get rid of it the better. “Sedition Seriously?” *The Hindu*, (September 11, 2012), accessed July 12, 2018, <http://www.thehindu.com/opinion/editorial/article3882414.ece>.

⁸⁷ Gandhi has been reported to have said during his trial for sedition: “I have no desire whatsoever to conceal from this court the fact that to preach disaffection towards the existing system of government has become almost a passion with me. Sedition in law is a deliberate crime but it appears to me to be the highest duty of a citizen”. Louis Fischer, “Gandhi Enters Politics,” in *The Life of Mahatma Gandhi*, (Canada: Harper Collins, 1950), 201.

particular, violent conflict and ‘breakdown of law and order’ often provided a legal cover for impunity of the armed forces and the paramilitary. Civil rights activists raised these larger issues of the legitimacy of power. Patrick Hoenig and Navsharan Singh define impunity as the “freedom of state or non-state actors to inflict harm, loss and violation without fear of consequence”.⁸⁸ They quote the UN Commission for Human Rights (2005) definition of impunity as the “impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account” and rendering them answerable “to any inquiry that might lead to them being accused, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims”.⁸⁹ The activists argued that the task of all concerned citizens was to identify instances of impunity, ensure an exposure of state impunity and to demand accountability and punishment.

A sustained area of work for civil rights groups in this regard has been to campaign and intensify dissemination of information on extraordinary laws. In their interviews with me, activists often said that through these laws, the Indian state often worked against its own people. Similarly, K.G. Kannabiran writes:

There are a large number of laws in the operation in the field of public order. Every state has its own preventive detention laws, apart from four or five central statutes operating in the same field... If these laws are all put together to examine the extent of our freedom, one may conclude that not much is left to the citizen. One could say that the Indian state has been in a perpetual struggle against its own people.⁹⁰

One of the first laws that civil rights groups focussed on was the National Security Act (NSA), 1980. The Act gave powers to government to detain any person, including foreigners, who posed a threat to national security, to India’s relations with other countries, or to public order. The civil rights groups argued that the NSA was draconian because it endangered democratic norms and exempted the routine checks and measures of accountability on the power wielded by the police

⁸⁸ Patrick Hoenig and Navsharan Singh, “Introduction,” *Landscapes of Fear: Understanding Impunity in India*, New Delhi: Zubaan, 2014, 12.

⁸⁹ Ibid.

⁹⁰ K.G. Kannabiran, “The Armed Forces (Special Powers) Act, 1958,” in *The Wages of Impunity: Power, Justice and Human Rights*, New Delhi: Orient Longman, 2003, 114.

and the paramilitary. The NSA was selectively used to target legitimate protests. “The direct and inevitable consequence of a citizen’s detention under the NSA is to deprive him of his rights of speech, expression and movement. Even legitimate democratic activity can be (and as we have seen has been) censured under section 3 of the Act”.⁹¹

A statement in the 1981 bulletin of the PUCL, compared the NSA to the Rowlatt Bills of 1919.⁹² It argues that an “interesting feature of the Rowlatt Bills is that they empowered the state to detain citizens without giving the detenu any rights... The bills were best described then as “no *Vakil* [lawyer], no appeal, no *daleel* [arguments]”.⁹³ Civil rights groups and activists argued that in matters of dealing with political protest or critique, the responses of the Indian government were not very different from the colonial one. Writing on the subject, Sumanta Banerjee argues:

[T]hese laws, both in their old forms and new, continue to reflect a colonial power’s distrust of and hostility to its subjects and thus deprive citizens of their rights... The jurisdiction of these laws spreads over quite a wide field in a citizen’s life embracing his cultural activities, his rights to communicate with fellow citizens and his normal movement.⁹⁴

Both the PUCL and the PUDR have campaigned against the impunity that extraordinary laws accord to the police and the paramilitary. The exemption from routine measures of accountability allows the police and the local administration to cover up large-scale violations of rights. Civil rights groups have raised concerns, conducted seminars, organised protests and published booklets about the Preventive Detention Act, (1958), the Armed Forces Special Powers Act, (1958), the Unlawful Activities (Prevention) Act, (1969), the Maintenance of Internal Security Act, (1971), the Terrorist and Disruptive Activities (Prevention), Act, (1985), and most recently, the Prevention of Terrorism Act, (2002). They argue that these laws reflect the state’s strategy to

⁹¹ “NSA-Illegal?” *PUCL Bulletin* 1, no 1, May (1981): 6.

⁹² Rowlatt Act or The Anarchical and Revolutionary Crimes Act of 1919 was passed in British India on the recommendation of report of Justice S.A.T. Rowlatt’s committee. It allowed for political cases to be tried without a jury. It extended the emergency measures of preventive detention and incarceration without trial and judicial review.

⁹³ “NSA-Illegal?” *PUCL Bulletin* 1, no 1, May (1981): 7.

⁹⁴ Sumanta Banerjee, “Colonial Laws-Continuity and Innovations,” in *Expanding Governmental Lawlessness and Organised Struggle*, ed. A.R. Desai (Bombay: Popular Prakashan, 1991), 226.

protect itself from accountability in the name of protecting citizens or the nation. They believe that the state often invokes labels like ‘extraordinary’ to situations or ‘disturbed’ to places to escape reasonable limits on its power and to bypass the accountability mechanisms that are necessary to sustain democratic conditions.⁹⁵ In a booklet published by the PUCL on extraordinary laws in India, the organisation quoted the following words of Srinivasa Sashtri, an Indian liberal statesman who was active in the anti-colonial movement. “A bad law, once passed, is not just used against the bad... I have known governments lose their heads. I have known a reign of terror being brought about... when government undertakes a repressive policy, the innocent are not safe”.⁹⁶

We see thus that the vertical component of concerned citizenship, i.e., the activist interface with the state, was characterised by both demands of accountability as well as a contestation over citizenly values. The first feature here was to lead by example. Activists set up people’s tribunals that sought to set the standards of conduct for the court or government appointed commissions. Second, this activism contributed to the ongoing contestation over the values that constitute a model citizen. While the governments charged activists for being anti-national and seditious, activists presented the state as vengeful, panic-ridden, fearful and intent on silencing or delegitimising critique. Lastly, activist groups attempted to raise the issue of state impunity. The activists condemned the coercive actions of the police and the paramilitary and saw them to be structural features of any state.

Conclusion

This chapter examined the notion of *concerned citizenship* as enacted within the practice of civil rights activism in India. The perspective it adopted is aligned to the studies that use anthropological

⁹⁵ For more details see “Undemocratic Laws,” pudr.org, accessed May 20, 2018, <http://pudr.org/taxonomy/term/17>; Ujjwal Kumar Singh, *The State, Democracy and Anti-Terror Laws in India* (New Delhi: Sage Publications, 2007).

⁹⁶ PUCL, “Black Laws 1984-85,” *PUCL Bulletin* 5, no 6, June (1985): 4.

methods to study the meanings people attach to the idea of citizenship. But unlike the dominant tendency in anthropological accounts of citizenship, my focus is not on the poor and the dispossessed but on a meso-level, civil society-based section of society that frames its activism as a practice in concerned citizenship.

The chapter outlined the two components of this practice: solidarity towards movement groups and contestation towards the state. Together, these two components created a mode of enacting concerned citizenship. Civil rights activists use the term “concerned” to indicate both that they were perturbed and distressed upon learning something, as well as to imply that they are responsible, involved and civic spirited. The chapter demonstrates that framing themselves as concerned citizens enabled a segment of the civil society to participate as allies within a dense network of social movement groups.

To demonstrate their solidarity, activist groups organised themselves to respond to the needs of the movement groups. They organised events coinciding with the events and marches planned by regional movement groups. They created platforms for movement groups to interact with one another. They conducted investigations, arranged for legal representation and amplified the issues at stake for the national press. In contrast, as an expression of contestation, the notion of concerned citizenship mounted a challenge to the model of an ideal citizen as contained in governmental programmes or NGO visions. Activists demanded accountability and exposed the authoritarian tendencies present in governmental actions and laws. Together, the two components of concerned citizenship within civil rights activism foregrounded a distinct practice as well as a distinct civic ideal. Concerned citizenship provided a new idiom for a section of the middle class to serve as a link between regional movement groups with a national civil society.

Conclusion

Trailblazers or Torchbearers?

Coming of age in the 1960s and the 1970s, we were witness from a distance to the Naxalite upsurge in Bengal, Bihar and Andhra, to the experiments of Gandhian leaders and organisations, in what was called rural reconstruction. The massive railway strike of 1974, the JP-led youth movement and the Internal Emergency of 1975... we also saw the end of the Emergency... It was a watershed in Indian politics and it generated a new optimism and energy. Many young city-bred idealists, wanting to make a difference and seeking new direction for change, went to live in the hinterland and learn about the 'real India'.

-Irina Sen¹

In the passage from her memoirs quoted above, Irina Sen writes about the political influences on a whole generation of activists in the 1970s, including on herself and her husband, Dr. Binayak Sen, a member of the PUCL. She writes about the energy that Gandhian, socialist, and communist politics infused in "[M]any young city-bred idealists, wanting to make a difference". A central feature of this idealist ethic was the desire to join the struggles of the disadvantaged. Some activists moved to rural areas and joined social movements or provided leadership to them. Others, like civil rights activists, took up the role of allies to strengthen regional movement groups from their metropolitan locations.

This idealist ethic and the desire to join the struggles of the vulnerable has sustained itself as a distinct form of politics for almost four decades. The story of civil rights activism in India is not one of a spontaneous rebellion that would generate a debate among historians over the presence or absence of a consciousness in an ostensibly unstructured mass movement.² Quite the opposite, the story of civil rights activism is one of a relatively-privileged segment of civil society

¹ Irina Sen, "The Road to Chhattisgarh," in *Inside Chhattisgarh: A Political Memoir* (Gurgaon: Penguin Books, 2014), 48-49.

² For an example of such studies see Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi: Oxford University Press, 1992); *A Subaltern Studies Reader, 1986-1995* (Minneapolis: University of Minnesota Press, 1997).

providing self-conscious leadership and playing a self-appointed role in pursuit of well-defined political ideals. This thesis has sought to understand civil rights activism as an instance of collective action in Indian politics. It has examined the key features and practices of civil rights groups in their role as movement allies during their heyday.

The central research questions that guided this study were: i) What role do civil rights groups play in the domain of social movement politics in India? ii) How is civil rights activism conducted, and what are its key features? iii) How does the history and activism of movement allies refine our understanding of democratic politics in India? The following sections of this Conclusion synthesise the main findings and arguments of the thesis, highlight its contributions to the scholarship on democratic politics in India, and point towards areas of future research.

Recasting Civil Rights Groups as Movement Allies

The first question that this thesis enquired pertained to the role played by civil rights groups vis-à-vis social movements. Early in this research, an examination of the history of civil rights activism as well as of the available literature on them revealed that there exists a mismatch between their practices and the category that has hitherto been used to classify them. As it turns out, civil rights activism has been referred to as a “social movement” in the limited scholarship that is available on the subject. When defined loosely, the term “social movement” could refer to any form of collective action undertaken to bring about change, and, in this loose sense, it would be applicable to civil rights activism as well. However, this work has argued that such a classification obscures certain unique practices of this activism, precludes the possibility of certain questions being raised about the politics of civil rights groups by scholars, and mistakenly represents some of the constitutive features of this activism as its shortcomings. Indeed, the term social movement misrepresents civil rights activism.

There are at least four ways to illustrate the misunderstanding that occurs when civil rights groups are equated with, or are described as, social movements. Firstly, a social movement is generally concerned with either a single issue or a limited number of related issues. In contrast, civil rights groups raised issues concerning diverse sections of society such as political prisoners, religious minorities, women, rural and urban poor, trade-union workers, students and so on. Indeed, as compared to any other movement group of the 1970s and 80s, civil rights groups raised a greater range of issues and made attempts to represent more sections of society. Secondly, social movements generally, but not always, tend to be mass-based whereas civil rights activism was marked by an absence of this feature. The inability of civil rights groups to mobilise large numbers has frequently been criticised by scholars who treat them as a social movement. However, the very absence of mass-participation contains clues to the role civil rights groups desired to play in relation to social movements. Thirdly, the judicialised character of civil rights groups and their activism remains puzzling if they are seen as a social movement. A large number of activists have been lawyers and one of the main strategies of civil rights groups has been to seek redress from the judiciary. Social movements, by and large, do not exhibit this feature. Lastly, unlike social movements that are almost always comprised of people who are directly affected by the cause around which they are rallying, civil rights groups had an overwhelmingly non-beneficiary membership, i.e., these groups were comprised of people who did not have a direct material stake in the issue at hand or in the demands that were being made.

This thesis has argued that the four features mentioned above seem atypical only if the collective action of civil rights groups is categorised as a social movement. In contrast, when the groups are understood as *movement allies*, their role, political identity, strategies and politics become easily comprehensible. In addition, the suggestion that they are better understood as movement allies gains strength from the self-identification of activists as “supporters”, “links” or allies in

relation to social movements and movement groups. This self-identification is discernible in their narratives and writings but has remained eclipsed in the scholarly accounts of this activism.

In making the claim that civil rights groups are better understood as *allies* of social movements and their work as *ally activism*, the thesis has relied on the term “movement allies” as developed by Daniel J. Myers and Dieter Rucht. Myers and Rucht argue that movement allies are sections of society who endorse and amplify the political demands of a movement. Unlike beneficiaries who are often driven by experience, allies are driven by sympathy and their political outlook, which is often, but not always, similar to those whom they seek to support.

The presence of allies is not a new phenomenon in India’s social movement politics. The movements of the landless, unorganised labour in rural and urban areas, *adivasis*, Dalits, displaced people, peasants, and women have historically had a section that has provided leadership or played the role of an ally. What makes civil rights groups unique is the kind of ally activism practised by them. As allies, civil rights groups acted as a platform that was available to various regional movement groups. They provided support to one movement group or people and then moved on to the next case. In this way, they stand apart from outsiders who provide leadership to movement groups, as well as from those sections of society who join particular campaigns or groups on a more sustained basis.

The change of conceptual lens, which helped us approach civil rights groups as movement allies, enabled an examination of the role played by them in social movement politics. It also set the scene to address the second central research question of this thesis, which pertained to the key features of ally activism as well as the mode of its conduct. Across its chapters, the thesis has explored five key features of civil rights groups as allies: their composition and membership; their location vis-à-vis political parties; their *modus operandi*; the debates that took place within and among the groups; and lastly, the distinct practice of citizenship that they foreground. The following section presents a synthesis of the findings and the main arguments made in each of the chapters.

The Conduct and Key Features of Civil Rights Activism

Thematically, the chapters of this thesis can be seen as comprising two parts. The first part, consisting of Chapters 1 and 2, addressed two foundational questions. The first question pertains to the political outlook and motivations of first-generation members of civil rights groups. The second question pertains to the sphere of politics that civil rights groups occupied. The main arguments of the first two chapters are recounted below.

The first-generation civil rights activists were sympathisers of the Naxalite movement, the JP movement, and the campaigns that opposed the internal Emergency that was imposed in 1975. The earliest initiatives of civil rights groups were to expose and protest police abuse, detentions, torture and police encounters of political prisoners. Several voluntary defence committees for political prisoners were set up to arrange legal and financial aid for those who were arrested. These committees or groups also conducted fact-finding investigations and ensured publicity in the national press. This activism opened a new channel for a segment of the salaried professional middle classes that included retired judges, lawyers, doctors, teachers, journalists and newspaper editors to engage in social movement politics.

The narratives of the first-generation activists from Kolkata and Delhi revealed that alongside explanatory factors like family background and life-experiences, two factors in particular determined their outlook. The first was the political culture of the two cities—Kolkata and Delhi. In Kolkata, the prevalence of communist politics as well as the intensity of counter-insurgency operations in response to the Naxalite movement shaped the political outlook of several activists. The theme that emerged from activist narratives collected in Kolkata was that they took to civil rights activism as a “tactical” move for the immediate redressal of grievances, and not because they had any faith in the will or the capacity of the state to deliver justice. On the other hand, the narratives of many of the Delhi-based activists revealed that they had turned to civil rights activism

having been disillusioned with the state. Up until the mid-1970s, when the Emergency was imposed, Delhi had not witnessed an intense crackdown aimed at ‘enforcing’ law and order. It jolted activists in the national capital, many of whom had not experienced the state’s paramilitary power from close quarters earlier.

Thus, the activists in the two cities had taken opposing political journeys to the same destination: in Kolkata, they began from a position of suspicion of the state; in Delhi, they did from a position of faith in it. Several activists from APDR in Kolkata spoke of a tactical turn to wrest certain rights from a ‘bourgeois’ state but claimed to have remained wary of state power all along. In contrast, those from the CFD and PUCL in Delhi spoke about being spurred to activism after they felt disappointed in the state, which they discovered was less democratic than they had believed.

The second factor that determined the composition of the first-generation civil rights activists was the demands made on middle class intelligentsia by members of their own class and social backgrounds in the public sphere. The middle class intelligentsia was called upon to take up leadership roles in order to arrest the ‘deteriorating’ state of politics in the country. A self-perceived responsibility within a section of the professional salaried middle class in Indian society triggered the emergence of ally activism.

Given their public rejection of an authoritarian government and a flailing party system, the emergence of civil rights groups was considered a rejection of political parties and party politics. Civil rights groups have been referred to as non-party political formations and most scholars see them as located *outside* of political parties and party politics. Did this ostensible autonomy from party politics hold up in practice? Having examined the recollections of several activists, Chapter 2 argued that the engagements of civil rights groups with parties and the party system were marked by *contextual* and *strategic negotiation* instead of autonomy and separation.

Conversations with activists revealed that the rejection of a non-performing party system was not the only cause for the emergence of civil rights groups. Some groups, such as the CFD in Delhi, were also a result of an ideological commitment to party-less politics. In terms of the engagement of civil rights groups and activists with party system and specific political parties, varied forms of negotiation emerged. Civil rights groups had campaigned to reform the electoral process and had demanded more accountability from political parties. After the Emergency, several activists left activism and joined the Janata party, and some even became a part of the Janata government (1977-79). Others retained a dual membership of both civil rights groups and marginal left parties. Some activists attempted to imitate aspects of party politics within civil rights groups and others left civil rights activism to join a party with the desire to participate in mass-based politics. Through all these various engagements, activist groups kept an eye on the domain of party politics as well as on specific political parties. They undertook various negotiations and struck contextual and temporary alliances. Thus, civil rights groups and activists positioned themselves not as non-party but as third-party actors who negotiated with the domain of party politics just as they did with the government, the press and various social movement groups.

Chapters 3-5, comprising the second part, explored the conduct of civil rights activism. Taking advantage of their location at the national capital and their resultant proximity to the national media, government and the judiciary, civil rights groups conducted several investigative fact-finding enquiries and published reports. Chapter 3 examined fact-finding investigations and report publishing as the key political tactic adopted by civil rights groups. Activists recorded and exposed the abuse of power and violation of rights through fact-finding reports. Over the last 30 years, these reports have turned into a large, parallel, independently generated archive on the extra-judicial abuse of power in India.

A key feature of fact-finding investigations was that its reports mounted a discursive contestation by opposing and reinventing the terms of reference used by the government to

describe an event or occurrence. For instance, they sought to displace the meaning of the term “encounter” for it to imply “murder” or “extra-judicial killing”. A second and more defining feature of fact-finding was that despite its judicialised or legal form it was undertaken mostly by activists who were also allies of left movement groups. The thesis has argued that fact-finding was a practice in left-legalism, i.e., a political initiative that was born out of ideologically left concerns but that was carried out within the constitutional and liberal framework of seeking justice through legal means. Quite like the practice itself, the activists straddled two worlds that corresponded to the left and liberal-legal values—they had acquired the trust of those involved in revolutionary movements; at the same time, they enjoyed considerable reputation in the eyes of the government and the mainstream society.

Chapter 4 uncovered the process by which civil rights groups framed their organisational identity. Their identity as allies was not pre-given, nor was it driven by ideology; it was worked out through the process of framing their responses to the debates and issues that confronted them. The terms in which the debates were posed had a strong ethical dimension. In order to decide which movement group they would ally with, activists debated and evaluated actions of movement groups to determine whether they were politically justifiable or not. In particular, activists and groups confronted two recurrent debates: one on the question of revolutionary violence, and another on the definition and practice of rights.

Activists who were liberal democrats, socialists, and/or Gandhians were relatively less appreciative of a left-revolutionary programmatic commitment to violence. These three sections of the activists often considered civil liberties and not democratic rights to be their focus. In contrast, the radical left sections were more appreciative of the conditions that led to violence by revolutionary groups. They considered it as an instance of self-defence by less powerful sections of society. This section of the activists was keen on supporting demands for rights that were not yet codified in the Indian Constitution. These two ideological strands led to debates that, in turn,

shaped their own identity as allies and helped civil rights groups develop the terms on which they would ally with different movement groups. Framing their responses to two debates brought about moments in which civil rights groups decided on separate plans of action, or sought solidarity with each other, or drew working boundaries to determine their engagement with specific movement groups. It was through these debates that groups confronted the question of who they would speak for, defend, and advocate.

In the course of their activism, civil rights activists foregrounded a distinct national civic ideal of a *concerned citizen*. This ideal indicated both that they were perturbed and distressed upon learning something, and that they were responsible, involved and civic-spirited. Chapter 5 examined the notion of concerned citizenship as enacted within the practice of civil rights activism in India and explored its two dimensions: first, of solidarity towards movement groups, and second, of contestation against the state. The idiom of concerned citizenship enabled a segment of the civil society to participate as allies in social movement politics.

To show solidarity, civil rights groups conducted investigations, arranged legal representation, and amplified the issues faced by regional groups for the national press. They organised events coinciding with the protests and marches planned by regional groups. They also created platforms for movement groups to interact with one another. As an expression of contestation towards the state, civil rights groups challenged the governmental model of an ideal citizen. Governmental programmes or vision documents and civil rights groups both imagined an active conception of citizenship, but endowed it with radically different meanings. Government programmes framed an ideal civic-spirited citizen as an efficient labourer, a contributor to the process of nation-building or a volunteer in ensuring good governance. In contrast, civil rights groups framed a concerned citizen as a conscientious and watchful person who would demand accountability from the government and expose and oppose authoritarian tendencies in government actions.

The overarching theme that emerged from the chapters was the presence of a strong drive amongst activists for ethical self-conduct. The following section recounts the instances that reveal this drive. It also points to the possible influences that shaped this drive for ethical self-conduct in the 1970s as a theme for further research.

Civil Rights Activism as Ethical Self-Conduct

During our conversation, as Sanjay Mitra reflected on the work he had done as an activist, he said: “One thing I learnt from doing APDR. I originally thought of it as some kind of a tactic for the revolutionary. But in the process, I realised that it cannot be a tactic. I have to really, in spirit, be democratic. It’s not a question of tactic, it’s a question of ethics”.³ The remark was revealing, and it provides an entry point for the argument that is made in this section.

There are two dominant narratives about the motivations of civil rights activists; one portrays them as sinister anti-nationals and the other as compassionate conscience keepers. The former comes up in the statements of the police and government officials. As per this narrative, civil rights groups such as the PUCL and the PUDR were front organisations of India’s far-left Maoist forces, who principally worked to aid the Maoists in their activities against the Indian state.⁴ In contrast, in the latter narrative, civil rights activists come across as altruistic and conscientious. For instance, A.R. Desai, in his introduction to a three-volume compilation of documents produced by civil rights groups, describes activists as “a small section of the intelligentsia, *genuinely concerned* about civil liberties, democratic rights and human rights” (emphasis mine).⁵ He refers to them as “discerning, sensitive citizens”.⁶ Such descriptions are rhetorical; they aim to counter the

³ Sanjay Mitra, interview with author, January 11, 2016, Kolkata.

⁴ P.V. Ramana “State Responses to the Maoist Challenge” in *The Naxal Threat: Causes, State Responses and Consequences* ed. V.R. Raghavan (New Delhi: Vij Books, 2011), 60

⁵ A.R. Desai, “Introduction,” in *Repression and Resistance in India: Violation of Democratic Rights of the Working Class, Rural Poor, Adivasis and Dalits* (London: Sangam, 1990), vi.

⁶ *Ibid.*, vii.

narrative of the other side. The rhetorical approach does not allow us to analytically examine the collective activist intent.

Several recent studies have focussed on how a notion of ethical conduct informs civil society based oppositional politics. Naisargi Dave's work on queer activism,⁷ Anand Pandian and Daud Ali's book on ethical thought and practice in South Asia,⁸ and Erica Bornstein and Aradhana Sharma's article on the practice of virtuous politics by civil society groups in India⁹ engage with the framework of ethical conduct or virtuous politics to understand diverse forms of oppositional politics in India. By means of a contribution to this body of work, *this thesis argues that a notion of ethical self-conduct not only marked civil rights activism but also played a significant, albeit latent, role in its emergence as well as its sustenance. The idea drew upon India's nationalist and left political traditions and was expressed in the form of ally activism. It was held as a desire by a section of the middle class and was activated by the political circumstances of the 1970s.* This section outlines the notion of ethical political conduct and recounts instances in activist practice where such conduct manifested itself.

Here, ethical conduct or virtuous politics is understood as an attempt to direct one's political conduct in ways that are consistent with well-reflected upon values. In the works of the authors mentioned above, it is conceptualised as a self-forming activity that refers to the ways in which people deal with moral and ethical questions in the world. It does not refer to an epistemological investigation of ethical concepts themselves and is not a reflection on their development as a normative criterion to evaluate actions. Pandian and Ali define ethical conduct as "the myriad quotidian practices through which individuals took themselves as subjects of ethical self-conduct and developed a particular embodied stance towards concepts, rules and other kinds of moral orientations".¹⁰ Using a similar definition, Dave argues that a section of civil society-based

⁷ Naisargi Dave, "Activism as Ethical Practice: Queer Politics in Contemporary India," *Cultural Dynamics* 23, no. 1 (2011).

⁸ Anand Pandian and Daud Ali, *Ethical Life in South Asia* (Indiana: Indiana University Press, 2010).

⁹ Erica Bornstein and Aradhana Sharma, "The Righteous and the Rightful: The Technomoral Politics of NGOs, Social Movements, and the State in India," *American Ethnologist* 43, no. 1 (2016).

¹⁰ Pandian and Ali, *Ethical Life in South Asia*, 6.

activism in contemporary India is essentially about the cultivation of ethics.¹¹ She identifies three aspects of this activism, “problematizing established social norms, inventing alternatives to those norms, and creatively practicing those newly invented relational possibilities”.¹²

Bornstein and Sharma follow Chantal Mouffe’s observation that most adversarial politics has come to acquire a distinct moral character. Mouffe argues that increasingly conflicts are played out “on a moral register” and that politics has become less of an ideological struggle between the right and the left and more of a moral struggle between right and wrong.¹³ Following Mouffe, Bornstein and Sharma see the use of moral language and conduct as a mark of a distinct kind of oppositional politics in India. They cite the examples of the Narmada Bachao Andolan (NBA), India Against Corruption (IAC) and the Right to Food campaign to argue that these oppositional groups frame themselves as “virtuous agents” and operate through a combination of “moral arguments and legal mechanisms”.¹⁴

Though the observation of Bornstein and Sharma is compelling, and this study broadly concurs with them, their exploration does not distinguish between the multiple models of ethical conduct at play in the space of civil society in India. For instance, the notions of ethical conduct of NGOs that work for service delivery, volunteer groups, and those that draw upon traditions of piety are qualitatively different from the one that inspired civil rights activism. It is important to be mindful of how individuals and collectives practice diverse and negotiated ethical practices. Secondly, Bornstein and Sharma do not acknowledge the mediated nature of “virtuous politics” that oppositional groups display. To take two of the three examples cited by Bornstein and Sharma, the NBA was represented in the court by Sanjay Parikh, who is a member of the PUCL as well as its former Vice President (in 2012). He has represented the PUCL in various cases in the Supreme

¹¹ Dave, “Activism as Ethical Practice,” 5.

¹² Ibid., 3.

¹³ Chantal Mouffe, “Current Challenges to the Post-Political Vision,” *On the Political* (London: Routledge, 2005), 75.

¹⁴ Bornstein and Sharma, “The Righteous and the Rightful,” 77.

Court for over a decade.¹⁵ Similarly, the Right to Food writ petition was filed in the Supreme Court in April 2001 by the PUCL Rajasthan.¹⁶ Given the involvement of ally groups within social movement politics, it is important to explore the ethical codes and motivations that are at play among ally activists.

As we saw in Chapters 1 and 2, the political context of the 1970s was abound with descriptions of the moral degradation of political parties, the government and the national leaders. Civil rights activists were often exposed to a social role model in a person who had participated in the anti-colonial movement and was either a Gandhian or a Marxist. Activists from Kolkata spoke of *Dadu*, whom they called “a keeper of conscience”. He was a figure of moral authority who had an active sense of public service and an apparent lack of self-interest. Similarly, in Delhi, Dilip Simeon and Uma Chakravarti mentioned Pal *da*, a Marxist who did not join any political party but played the role of a mentor, organiser and motivator. Tarkunde himself was described by several activists as a man of high moral sense and idealism, full of concern for the “people”. He organised and motivated several younger activists. Younger activists looked up to these figures as morally uncompromising persons who carried significant symbolic value for the subsequent generations. These figures came to stand for the values of an ideal ally: a person of goodwill, conscience and courage who stood for what was right and allied with popular movements in the country without any immediate material stake. In its more political and civic version, that we saw in Chapter 5, a “concerned citizen” was dutiful and aware. They highlighted governmental abuse, demanded and suggested reform, were watchful and exposed public officials, and abided by the rule of law and the Indian Constitution.

¹⁵ PUCL, “PUCL National Office Bearers,” pucl.org, accessed April 21, 2018, http://pucl.org/admin/national_council.html.

¹⁶ “Right to Food Campaign,” [righttofoodcampaign.in](http://www.righttofoodcampaign.in) (2001), accessed April 21, 2018, <http://www.righttofoodcampaign.in/legal-action/-right-to-food-case>.

Activists also encountered the familiar problem of fearing ethical failure that accompanies any attempt to live up to certain values. As a group as well as individually, civil rights activists often reflected over what was the right thing to do. What was the better code of conduct for their alliance with movement groups? This attempt was most clearly visible in the internal debates that took place within and between civil rights groups, which we explored in Chapter 4. These debates occurred because activists often found themselves at an ethical crossroad; none of the options available to them was unambiguously acceptable or preferable.

To understand the influences that might have contributed to the shaping of this ideal of ethical conduct, one would need to conduct an in-depth study of the prescribed role of the intelligentsia vis-à-vis the masses within the three traditions of communism, liberalism and Gandhian socialism as practiced in India. The ideational framework of ethical conduct that civil rights activists practiced resulted from a negotiation between elements of these three ideological traditions on the one hand and the limitations that resulted from the class and social position of the activists on the other. Here, I present a synoptic impression of these three traditions as a possible area for further research.

The first tradition was of the communist practice in India. In the late-1960s and early-1970s, a section of the intelligentsia came to associate communist or Naxalite politics with high moral standards and an idealised political life. In his work on the ascetic modality within communist self-fashioning, Rajarshi Dasgupta sees the presence of saintly politics (first identified by W.H. Morris Jones), which he refers to as a “network of practice” within communist thought and practice.¹⁷ As per this perspective, what drew many young people into the Naxalite movement was not its strategic potential to secure its goal but the high ethical ground it occupied. Having acquired a perspective on the history and the structural conditions that gave rise to oppression, intellectuals

¹⁷ Rajarshi Dasgupta, “The Ascetic Modality: A Critique of Communist Self-Fashioning,” in *Critical Studies in Politics: Exploring Sites, Selves, Power* eds. Nivedita Menon, Aditya Nigam and Sanjay Palshikar (Noida: Orient Blackswan, 2014), 84.

and the middle classes were expected to break ties with the class of their origin and merge their lives and politics with the struggles and the fate of the working class. This strand of thinking influenced young urban university students and the youth.¹⁸ Some of them joined the Naxalite movement while others attempted to provide support from the outside. Several civil rights activists were from this latter category; they felt the guilt of not being able to dedicate their lives to organising the masses, and they therefore attempted to provide external support as the next best practice.

The second ideological tradition that had considerable appeal in the 1970s and had influenced several first-generation civil rights activists was the Gandhian and Gandhian socialist one. Here, the role of the privileged was to serve those who were not. However, this notion of service should not to be mistaken for charity. The distinction between the two in Gandhian thought has been explored by Faisal Devji, who notes that when Gandhi was in Noakhali among those who were affected by the partition riots, he “repeatedly forbade private persons and charitable organizations to render them help”.¹⁹ Gandhi’s “response to suffering was not in the first instance to ameliorate it, but instead to make sure that those who had been wronged behaved like moral agents and not victims, thus allowing them to enter into a political relationship with their persecutors”.²⁰ Several leading Gandhians after independence turned their attention away from formal politics and began to perform social service through constructive work and public service. Tom Walz and Heather Ritchie argue that through *Sarvodaya* and *Bhoodan* movements, Gandhians as well as Gandhian socialists attempted to serve the people by combining elements of social work and social justice.²¹ As mentioned in the thesis, many of the prominent figures to get

¹⁸ See Rabindra Ray, “Bengali Society,” in *The Naxalites and Their Ideology* (New Delhi: Oxford University Press, 1992); Gail Omvedt, “From Independence to Naxalite Revolt” in *Reinventing Revolution: New Social Movements and the Socialist Tradition in India* (New York: M. E. Sharpe, 1993).

¹⁹ Faisal Devji, “Conclusion,” *The Impossible Indian: Gandhi and the Temptation of Violence* (London: C. Hurst and Co., 2012), 188.

²⁰ *Ibid.*, 189.

²¹ Tom Walz and Heather Ritchie, “Gandhian Principles in Social Work Practice: Ethics Revisited,” *Social Work* 45, no. 3 (2000).

involved with civil rights activism in the 1960s and 70s were Gandhians and Gandhian socialists. Three prominent names among them were Acharya Kripalani, Vinoba Bhave and JP.

The third influential tradition—more like a strand—was the afterlife of the idealised role that the intelligentsia had played in the anti-colonial movement. In terms of the social background of its leaders, the Congress was dominated by the intelligentsia. Desai notes that “in all its phases of development, the nationalist movement was led by the intelligentsia, whichever section of it led it and however different its ideology, methodology, and programme, from those of other sections”.²² Thus, a section of the middle classes grew up with a vision of themselves as leaders who would herald social and political change in the country. We see in civil rights activism as well as in the act of providing leadership to various social movements a reclamation of the role of the intelligentsia as those who would give voice to the ‘voiceless’.

In the history of Indian politics, ethical conduct, particularly in relation to voluntarism, has enjoyed a significant political currency. In the nineteenth century, a number of organisations emerged in colonial India to carry out social reforms. Popular organisations such as the Servants of India Society, the Brahmo Samaj and the Arya Samaj combined both voluntarism, character-building and ethical conduct with active citizenship and patriotism. Carey A. Watt, who examines the relationship between such associational activities and patriotic service in colonial India, argues that these traditions of civic-spirited activism and the establishment of voluntary groups had a strong impact on India’s ‘public sphere’ and civil society.²³ However, Watt says that it would be incorrect to “draw a line connecting” the “emergent associational culture and civil society of the early twentieth century” with postcolonial “India’s NGO sector and civil society”.²⁴ The activist

²² A.R. Desai, “Rise of Political Movements as the Expression of Indian Nationalism,” *Social Background of Indian Nationalism* (Bombay: Popular Book Depot, 1959), 300. See also Sanjay Joshi, *Fractured Modernity: Making of a Middle Class in Colonial North India* (Oxford: Oxford University Press, 2001).

²³ Carey A. Watt, “Introduction: The Relevance of Social Service in Indian History,” in *Serving the Nation: Cultures of Service, Association, and Citizenship* (New Delhi: Oxford University Press, 2005). Oxford Scholarship Online, 2012. doi: 10.1093/acprof:oso/9780195668025.001.0001.

²⁴ Carey A. Watt, “Conclusion,” In *Serving the Nation*.

narratives in this thesis suggest that Watt has mismatched the question of lineage here. The NGO sector of postcolonial India is not the successor of colonial India's middle class associations; in fact, civil rights activism as a form of collective action may just be that successor. Civil rights activism shares key elements like mobilisation of middle class respectability, an emphasis on moral regeneration, and an attempt to represent the masses with its predecessor in colonial India. The models of the role that the intelligentsia ought to play vis-à-vis the masses that were present in the associational culture of the colonial middle class also informed the political initiatives of a certain section of the postcolonial middle class activists.

The political circumstances of the 1970s allowed for the convergence of Marxian revolutionary ethic and vanguardism, the nationalist legacy of representing and providing leadership to the masses, and the Gandhian spirit of social service and social action. When the influence of these traditions on their activism is revealed, civil rights activists come across not as trailblazers but as torchbearers who carried the torch to a new path in a different political context.

The Decline of Civil Rights Groups in Contemporary India

In 1991, when D.L. Sheth and Harsh Sethi were reviewing the burgeoning NGO sector in India, they highlighted an important change in the country's civil society landscape. Noting the substantial increase in the number of NGOs, they wrote that "What... is inadequately appreciated is that the conversion of voluntarism into primarily a favoured instrumentality for developmental intervention has changed what was once an organic part of civil society into merely a sector—an appendage of the developmental apparatus of the state".²⁵ Today, the civil rights groups in India remain both fragmented and marginalised; and many of the issues they once raised exclusively are being raised, perhaps with greater visibility, by newer human rights groups and law-oriented

²⁵ D.L. Sheth and Harsh Sethi, "The NGO Sector in India: Historical Context and Current Discourse," *Voluntas* 2, no. 2 (1991): 49.

NGOs. Why has a space that was once occupied by civil rights groups come to be dominated by NGOs, whom Sheth and Sethi describe above as “an appendage of the developmental apparatus of the state”?

There are both external structural as well as internal organisational reasons that explain the fragmentation and the marginalisation of civil rights groups. Firstly, the government responded to the wave of activism in the 1970s with counteraction that significantly incapacitated activist groups like the PUCL and the PUDR. In 1980, as the Indira Gandhi government returned to power, it started scrutinising and attempting to delimit the activities of activist groups. Her government set up a commission to investigate instances of alleged corruption among voluntary groups.²⁶ The next government under Rajiv Gandhi directed civil society associations towards service delivery work that was considered a crucial part of the development process. Rajiv Gandhi appointed Bunker Roy, an Indian social activist, as an advisor to the Planning Commission, and the latter proposed a code of conduct for voluntary groups. He recommended that a law be enacted to implement the code of conduct and that a national council be created that would monitor the activities of voluntary groups.

The government also used laws like the Societies Registration Act, 1860, the Income Tax Act, 1961, and the Foreign Contributions Regulation Act that was passed in 1976 and amended in 1985 to monitor the funding and activities of voluntary groups. This was done to encourage groups that focussed on service delivery or were development oriented instead of those who were protest oriented or mobilised or organised people. Through the 1980s, the government intervened in the civil society space in a number of ways that marginalised civil rights groups. At the same, it also

²⁶ This was the Kudal Commission, established in 1982. It was headed by Justice Purushottam Das Kudal. It investigated three Gandhian institutions—the Gandhi Smarak Nidhi, the Gandhi Peace Foundation (GPF) and the Sarva Seva Sangh—that were used, among others, by civil rights activists for their meetings etc. The charges against these institutions were that they worked against national interests, received foreign funds, and took part in political activities despite being charitable institutions. See Ajay Kumar, “Kudal Commission is a Witch-hunt Ordered Because We Backed JP’s Pre-Emergency Stir,” *Indiatoday.in* (October 15, 1986), accessed June 20, 2018, <https://www.indiatoday.in/magazine/nation/story/19861015-kudal-commission-is-a-witch-hunt-ordered-because-we-backed-jps-pre-emergency-stir-801307-1986-10-15>.

adopted their agenda and concerns to their exclusion. For instance, in 1993, the government of India set up the National Human Rights Commission (NHRC) as an autonomous public body. One of the key tasks of the NHRC is to maintain close contact with and consult a set of voluntary groups that work in the field of human rights.²⁷ While groups like the South Asia Cell for Human Rights Education and Monitoring, Centre for Equity Studies, HAQ: Centre for Child Rights, and Commonwealth Human Rights Initiative have been on the consulting core group, the NHRC has never consulted the PUCL or the PUDR.

Nevertheless, the fragmented and weak presence of civil rights groups today is not simply because of governmental backlash. A host of internal and organisational issues also affected their capacity. Firstly, as one of the activists I interviewed said, the effectiveness of civil rights groups has suffered in part because often the grassroots organisations and groups they support are in themselves transitory and episodic. The alliances made fizzled out and often the issues raised were not sustained. Secondly, several activists said that the organisations suffered because of “activist egos”. The drive to incorporate well-known and respectable names resulted in a disproportionate reliance on charismatic personalities and influential names. There was comparatively less emphasis paid to generating a second tier of leadership. As Mahi Pal Singh of the PUCL said, “At 50, I am probably the youngest member of the PUCL”.²⁸ However, in this respect, the PUDR is an exception. It continues to attract young volunteers who remain actively involved. Lastly, given their relatively broad mandate, there is the issue of overload. Civil rights groups have continued to engage with a wide variety of issues, which results in the difficulty of both understanding the nature of the issues at stake brought by movement groups as well as the ability to make decisions effectively. These internal organisational reasons contributed as much to the diminishing influence and increasing marginalisation of civil rights groups as did governmental action. Given their

²⁷ NHRC, “Core Group of NGOs in the NHRC,” nhrc.in, accessed June 20, 2018, <http://nhrc.nic.in/nhrc.htm>.

²⁸ Mahi Pal Singh, interview with author, October 30, 2015, New Delhi.

decline, why then should we study civil rights groups today? What is the role that civil rights groups played in India's democratic politics?

Democracy as a Recurring Struggle

How does the history and activism of movement allies refine our understanding of democratic politics in India? I argue that a focus on civil rights activism offers insights for two fronts of political analysis. First, it reveals to us the role played by civil rights groups within Indian politics. And second, it offers insights for a scholarly understanding of India's democracy.

In terms of the first, the politics and practices of civil rights groups demonstrate an ongoing conflict between the state and civil society-based voluntary groups. This conflict has played out in a long series of moves and counter moves in which neither side sees lasting advantage, but in which one side's move impacts the move of the other side. In independent India, civil rights activism marked the beginning of a civil society-based oppositional politics. It has been widely observed that the 1970s was marked by "institutional emasculation",²⁹ in particular of the election commission, the judiciary, and parliament that led to the growth of various kinds of oppositional groups and movements. During this period, activist groups aided the process of democratisation by raising new issues and prompting state institutions to respond to the issues that various movement groups had raised. As a result, social movements, even those that were violent, continued to find their concerns aired in the public sphere till the end of the 1980s. At the same time, a significant limitation of this politics was that a large section of the Indian population remained, at best, the beneficiaries of civil society action and not its participants. In the next move in this conflict, the government initiated various structural changes to curtail this form activism in particular, and to recast the civil society space in general, by actively encouraging other, 'apolitical'

²⁹ Niraja Gopal Jayal and Pratap Bhanu Mehta, "Introduction," in *The Oxford Companion to Politics in India* (New Delhi: Oxford University Press, 2010), xxiv.

kinds of activism. It was also in this period that many of the social activists who today comprise an influential section of the large Indian voluntary sector joined politics. Seen over decades, the rise of these groups has had a lasting impact on the course of Indian politics in general and the space of civil society politics in particular.

The impact of such an understanding on an academic approach to, and evaluation of, Indian democracy is that instead of identifying sites of democratic success and democratic failure, one can begin to focus on the successes and failures within a particular site. It brings out the character and the long drawn out nature of most conflicts and allows for an examination of the mettle of the opposing sides in a conflict. My approach would be in contrast to a popular and influential way of approaching Indian democracy as comprising several discrete sites of successes and failures.³⁰ Often, the presence of relatively free, fair and routinely-held elections, full adult franchise, rule of law, a democratising social background profile of the members of parliament, relative freedom of assembly and association, multi-party system etc. are seen as markers of the success of India's democracy. In contrast, rampant poverty, poor governance, persistent caste inequality, communalism, concentration of resources among the elite, uneven development, and weak institutions are highlighted as areas of failure. It will be difficult to fit the sphere of civil society into either of the lists because it cannot be thought of in terms of success and failure. As civil rights activism exemplified, it is a field of ongoing conflict—a space in Indian politics that is flawed and yet democratising. From this perspective, it is analytically fruitful to approach Indian democracy not in terms of successes and failures, but as an unceasing struggle between the exercise of power and resistance to it. The role played by civil rights activism during its heyday in shaping India's democracy calls to mind Coretta Scott King's words on the relationship between freedom and human endeavour. "Freedom is never really won", she says, adding that, "You earn it and win

³⁰ Atul Kohli ed., *The Success of India's Democracy* (Cambridge: Cambridge University Press, 2001); Sumit Ganguly, Larry Jay Diamond, and Marc F. Plattner eds. *The State of India's Democracy* (Baltimore: Johns Hopkins University Press, 2007); Niraja Gopal Jayal and Pratap Bhanu Mehta ed. *The Oxford Companion to Politics in India* (New Delhi: Oxford University Press, 2010).

it in every generation. You do not finally win a state of freedom that is protected forever. It doesn't work that way".³¹ In its own way, civil rights activism represents an episode in the ongoing efforts to secure democracy in the Indian context.

A second discernible insight pertains to the politics of the middle class within Indian democracy. The most distinctive feature of the politics of the middle class activists is neither the issues they select nor their political outlook. Rather, it is their emphasis on virtuous politics and the choice of their methods (press statements, judicialised strategies, litigation, lobbying, mediation) to practice it. The middle class is politically and ideologically diverse; yet it has an underlying unity in the way it participates in politics. A section of the middle class that has informal networks within government, bureaucracy, the press and the judiciary has contributed to democratic politics in India by operating from outside of formal politics. It is also clear that the urban middle class has come to trust only one organ of government, i.e., the judiciary. It has attempted to expose state abuse, institute accountability, and amplify the concerns of movement groups. Scholarly accounts of middle class politics emphasise the disdain of the middle classes towards party politics and elections.³² For the groups examined in this thesis, this disdain does not make them apolitical, it only changes the form of their participation in politics. Indeed, civil rights activism was at the tail end of the kind of middle class politics that first emerged in the context of colonial India.

This study has sought to document civil rights activism and make sense of it as a form of collective action. In doing so, it makes two kinds of contribution—conceptual and empirical—to the study of protest and collective action as well as to the study of Indian politics. The conceptual contribution lies in foregrounding the concept of movement allies, which provides us a new lens

³¹ Coretta Scott King, *My Life with Martin Luther King, Jr* (London: Hodder and Stoughton, 1970), 13.

³² See Christophe Jaffrelot, "Why Should We Vote?: The Indian Middle Class and the Functioning of the World's Largest Democracy," in Christophe Jaffrelot, & Peter V. Veer eds., *Patterns of Middle Class Consumption in India and China*. New Delhi: Sage, 2008, 35-54; Satish Deshpande, "The Centrality of the Middle Class" in *Contemporary India: A Sociological View*. New Delhi: Penguin Books, 2003; Leela Fernandes, *India's New Middle Class: Democratic Politics in an Era of Economic Reform*. Minneapolis: University of Minnesota Press, 2006.

to understand forms of resistance and collective action that are not subaltern. A focus on ally groups allows us to disaggregate the sphere of social movement politics and recognise the various actors present in that domain as well as their respective roles. The thesis makes an empirical contribution to the study of Indian politics by documenting the conduct and practices of civil rights groups that were understudied. To the best of my knowledge, there is neither a book-length work on civil rights activism nor a work of any length that relies on interviews with its participants to analyse it. For these conceptual and empirical reasons, one hopes that the thesis will prove to be of relevance to those interested in acquiring a more comprehensive understanding of Indian politics and to the study of protest and collective action.

Sources

Primary Sources

i) List of Interviews

Sr. No.	Name	Position	Date and Place
1	Aditya Nigam	Academic and activist	November 20, 2015. New Delhi
2	Amita Baviskar	Academic and ex-member, PUCL	December 08, 2015. New Delhi
3	Amrit Wilson	Author and member, South Asia Solidarity Group	September 06, 2016. London
4	Anand Chakravarti	Academic and PUDR member	October 22, 2015. New Delhi
5	Anant Maringanti	Geographer and member, Concerned Citizens Committee	March 03, 2016. Hyderabad
6	Anup Saraya	Doctor and activist	February 16, 2016. New Delhi
7	Arun Ferreira	Lawyer and CPDR member	January 22, 2016. Mumbai
8	Asish Gupta	Journalist and PUDR member	December 14, 2015. New Delhi
9	Ashok Panda	Lawyer and PUCL member	February 15, 2016 and August 17, 2017. New Delhi
10	Ashok Prasad	Academic and ex-member, PUDR	November 06, 2015 and November 14, 2015. New Delhi
11	Aswini Ray	Academic and PUDR member	December 01, 2015. New Delhi
12	Aurobindo Ghose	Lawyer and ex-member, PUCL	August 04, 2017. New Delhi
13	Bharati Ganguly	Retired government employee and ex-member, APDR	January 13, 2016. Kolkata
14	Bijoya Chandra	Lawyer and APDR member	January 14, 2016. Kolkata
15	Biswajeet Mohanty	Academic and activist	November 24, 2015. New Delhi
16	D. Manjit	Academic and PUDR member	November 21, 2015. New Delhi
17	D.L. Sheth	Academic and PUCL member; founder-member, Lokayan	August 24, 2015. New Delhi
18	Debaich	Journalist and PUCL member	January 11, 2016. Kolkata

19	Debashish Bhattacharya	Self-employed; ex-member, APDR	January 07, 2016. Kolkata
20	Dilip Simeon	Academic and Chairperson, Aman Trust	September 18, 2015. New Delhi
21	G. Haragopal	Academic and APCLC member	October 19, 2015. New Delhi. March 04, 2016. Hyderabad
22	Gautam Navalakha	Journalist and PUDR member	September 11, 2015. New Delhi
23	Harsh Sethi	Editor, <i>Lokayan Bulletin</i>	October 06, 2015. New Delhi
24	Ilina Sen	Academic and PUCL member	January 21, 2016. Mumbai
25	Indrajeet Jha	PUDR member	September 17, 2015. New Delhi
26	Ish Mishra	Academic and activist	July 21, 2017. New Delhi
27	Jasbir Singh	Ex-member, Socialist Party	November 07, 2015. New Delhi
28	Johanna Lokhande	Ex-member, PUCL	November 14, 2015. New Delhi
29	John Dayal	Journalist and activist	August 07, 2017. New Delhi
30	Joseph Mathai	Ex-member, PUDR	December 29, 2015. New Delhi
31	Justice Hosbet Suresh	Retired judge and IPHRT member	January 24, 2016. Mumbai
32	Justice Rajinder Sachar	Retired judge and PUCL member	October 05, 2015. New Delhi
33	Kamal N. Chaubey	Academic and PUDR member	November 24, 2015. New Delhi
34	Kavita Srivastava	Full-time activist and PUCL member	February 22, 2016. New Delhi
35	Kuldip Nayar	Journalist and CFD, PUCL member	September 09, 2015. New Delhi
36	Maharukh Adenwalla	Lawyer and CPDR counsel	January 23, 2016. Mumbai
37	Mahi Pal Singh	Academic and PUCL member	November 30, 2015. New Delhi
38	Manisha Sethi	Academic and activist	October 16, 2015. New Delhi
39	Manoranjan Mohanty	Academic and PUDR member	September 25, 2015. New Delhi
40	Monica Sakhrani	Academic and CPDR member	January 21, 2016. Mumbai
41	N.D. Pancholi	Lawyer and CFD, PUCL member	August 18, 2015, August 27, 2015 and February 10, 2016. New Delhi

42	Nandini Sundar	Academic and ex-member, PUDR	October 12, 2015. New Delhi
43	Nandita Haksar	Lawyer and PUDR member	November 27, 2015. Goa
44	Neelabh Mishra	Journalist and ex-member, PUCL	February 22, 2016. New Delhi
45	Nilanjan Dutta	Journalist and APDR member	January 09, 2016. Kolkata
46	Nivedita Menon	Academic and activist	November 06, 2015. New Delhi
47	Nitya Ramakrishnan	Lawyer	October 17, 2015. New Delhi
48	Prashant Bhushan	Lawyer and ex-member, PUCL	October 16, 2015. New Delhi
49	Rajinder Pal Sharma	Self-employed; PUCL member	December 06, 2015. New Delhi
50	Ram Bahadur Rai	Activist and independent journalist	September 28, 2015. New Delhi
51	Rama Vasudevan	Academic and ex-member, PUDR	November 14, 2015. New Delhi
52	Randhir Singh and Priyaleen Singh	Academics	November 12, 2015. New Delhi
53	Ravi Nair	Activist and Director, South Asia Human Rights Documentation Centre	October 14, 2015 and August 17, 2017. New Delhi
54	Ritu Priya	Academic and PUCL member	November 14, 2015. New Delhi
55	Romila Thapar	Academic and IPHRT member	June 19, 2018. Oxford
56	Sanjay Mitra	Self-employed; ex-member, APDR	January 11, 2016. Kolkata
57	Satyabrata Pal	Retired Indian civil servant and NHRC member	December 21, 2015. Noida
58	Shahana Bhattacharya	Academic and PUDR member	August 24, 2015. New Delhi
59	Sharmila Purkayastha	Academic and PUDR member	November 22, 2015. New Delhi
60	Sharmin Khodaiji	Student and Editor, <i>Perspectives</i>	November 03, 2015. New Delhi
61	Sheoraj Singh	Self-employed; PUCL member	December 06, 2015. New Delhi
62	Shujato Bhadra	Academic and APDR member	January 07, 2016 and January 08, 2016. Kolkata
63	Subhas Ganguly	Self-employed; APDR member	January 13, 2016. Kolkata
64	Subhash Bhattacharya	Academic	January 08, 2016. Kolkata
65	Sumanta Bannerjee	Journalist and PUDR member	March 03, 2016. Hyderabad

66	Suresh Rajeshwar	Lawyer and CPDR member	January 22, 2016. Mumbai
67	Ujjwal Singh	Academic and PUDR member	November 20, 2015. New Delhi
68	Uma Chakravarti	Academic and PUDR member	September 11, 2015 and September 30, 2015. New Delhi
69	Upendra Baxi	Academic and lawyer	September 10, 2015. New Delhi
70	Vijay Pratap	Activist and PUCL member	November 14, 2015. New Delhi

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