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Role of Civil Liberties Organisations in USA and India

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ABSTRACT

India has a long history of civil liberties movements that have played a crucial role in shaping the country's democracy. The emergence of the concept of civil liberties and the organisations, which are based on promoting and protecting civil liberties have played a vital role in advancement of human rights and social justice in the country. This paper aims to focus only on the civil liberties organisations of USA and India, which have been fighting for protection of civil liberties and democratic rights for a long. This paper also focuses on the recent harsh scenario of the civil and democratic rights in India and role of the civil liberties organizations and other organizations and political parties to restore the civil and democratic rights in the country.

Keywords: *Civil liberties, human rights, social justice, democratic rights, democracy.*

I. INTRODUCTION

Social movements are primarily collective political actions that are non-institutionalized that aim to change society and politics. These movements have been happening in India for a long time. Diverse social activists, political figures, and academics frequently use the word “movement” in diverse ways. Some scholars refer to “movements” as “organisations” or “unions” interchangeably. It refers to a historical pattern or tendency according to other social experts. Some assert that making press remarks about societal concerns is how revolutions are started. Civil liberties movement is one of a part of social movement.

We sometimes think that our rights just happened. It is important to remember the past struggles that made these rights possible. We have read about the social reform movements of the 19th century, the struggle against caste and gender discrimination, and the Indian nationalist movement that brought us independence from colonial rule in 1947. You also know many nationalist movements around the world in Asia, Africa and the Americas, which ended colonial rule. Socialist movements around the world, the civil rights movement in the United States in the 1950s and 1960s fighting for equal rights for blacks, the struggle against apartheid in South Africa fundamentally changed the world. Some of the examples of important civil liberties

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include freedom of speech, the right to privacy, the right to be free from unreasonable searches of one's home, the right to marry, the right to vote, the right to fair court trial etc. Other civil liberties are the right to own property, the right to defend oneself, the right to bodily integrity etc.

II. CIVIL LIBERTIES

A country's constitution or bill of rights serves as the primary legal safeguard for a variety of legal rights and freedoms that are together referred to as civil liberties. All citizens are entitled to these rights, which operate as a check on government activities that might violate people's autonomy or dignity. They form the cornerstone of a just and free society.

Civil rights are dynamic; they have grown and changed over time to meet the shifting demands and ideals of the community. New problems emerge as civilizations develop, and civil rights must change to meet these difficulties. This continuous development demonstrates how crucial civil liberties are to guaranteeing the defence of individual rights.

(A) Origin of Civil Liberties:

Civil liberties, freedom from arbitrary interference with your goals by individuals or government. This term is usually used in the plural. Civil liberties are explicitly protected in the constitutions of most democratic countries. The official notion of civil rights is sometimes traced to Magna Carta, an English legal charter that was established in 1215 and which itself was founded on earlier texts, specifically the Charter of rights.

Numerous civil freedoms were included in this, such as the freedom of expression and a limited version of the right to keep and bear weapons. British governance and way of thinking were introduced to the United States with the 13 initial colonies founded by British people. The defence of individual rights was cited as one of the primary functions of government in the middle of the eighteenth century, when we declared our independence from Great Britain. Many of the contemporary civil freedoms were included in the Bill of Rights at the time the United States Constitution was drafted. However, the Bill of Rights was only a declaration of principles with no legal support because the US Supreme Court lacked the authority to declare laws or legislation unconstitutional at the time.

But it was in the 17th and 18th centuries, during the Age of Enlightenment, that the idea of civil freedoms really took off. Influential writings like the United States Constitution and the Declaration of the Rights of Man and of the Citizen were drafted with the support of intellectuals like John Locke and Thomas Paine, who promoted the idea that all people had inherent rights.

The US Constitution's 13th, 14th, and 15th Amendments, as well as the Bill of Rights, protect civil freedoms throughout the country. The 13th Amendment to the Constitution prohibits slavery and involuntary servitude; Section 14 prohibits the enforcement of laws which abridge the "privileges and liberties" of citizens of the United States, or deprive any person of "life, liberty, or property ... without due process of law," or deny persons equal protection under the law; and Section 15 guarantees the right to vote to all American citizens. The related term civil liberties are often used to refer to one or more of these liberties, or implicitly to a government's duty to protect certain groups of people from violations of one or more civil liberties (e.g., the duty to protect racial minorities from racial discrimination). In the United States, civil rights are protected by the Civil Rights Act of 1964 and subsequent laws.

These documents signalled a revolution in the understanding and defence of civil freedoms. They established a foundation for future generations to build upon and codified the fundamental rights of individuals. The history of civil liberties has been marked by a number of campaigns and court cases that have shaped the current state of individual rights.

(B) Birth of American Civil Liberties Union (ACLU):

America was seized with terror in the years after World War I that the Communist Revolution that had occurred in Russia might extend to our country. Civil freedoms were sacrificed, as is frequently the case when fear dominates reasoned discussion. In what became known as the infamous "Palmer Raids," Attorney General Mitchell Palmer started gathering up and deporting alleged radicals in November 1919 and January 1920. Without a warrant or consideration for the constitutional prohibitions against unauthorised search and seizure, thousands of individuals were detained. Those who were detained suffered horrendous treatment and deplorable conditions. A tiny number of people chose to take action in response to these flagrant violations of civil rights, and the American Civil Liberties Union was created by Roger Baldwin and others in New York City in 1920 to champion Constitutional Liberties in the United States.

Since then, the ACLU has grown from this tiny group of idealists to become the country's most prominent advocate for the liberties guaranteed by the U.S. Constitution. The modern ACLU is still committed to combating abuses by the government and tenaciously upholding individual liberties such as the right to free speech and religion, the right to due process, the right to privacy for women, and many other rights.

- 1920: During the organization's inaugural year, Attorney General A. Mitchell Palmer's objectives were immigrants who were politically radicalised. Hundreds of activists who had been imprisoned for their anti-war efforts were released, and ACLU also defended

the trade unionists' ability to organise and hold meetings.

- 1925: The ACLU was there when biology instructor John T. Scopes was accused of breaking a Tennessee law prohibiting the teaching of evolution, and they were able to get renowned lawyer Clarence Darrow to defend him.
- 1942 When it came to criticising the federal government's internment of over 110,000 Japanese Americans in concentration camps, the ACLU was almost alone.
- 1954: After the ACLU and NAACP joined the legal fight for equal education, the Supreme Court's ruling in the case of *Brown v. Board of Education*² that racially segregated schools violated the 14th Amendment was hailed as a huge success.
- 1969: The ACLU won a significant First Amendment win in *Tinker v. Des Moines*³, a case before the Supreme Court, on behalf of students dismissed from public schools for donning black armbands in protest of the Vietnam War.
- 1973: Following decades of litigation, the Supreme Court ruled in *Roe v. Wade*⁴ and *Doe v. Bolton*⁵ that a woman's freedom to choose whether to end or go on with her pregnancy is protected by the constitution. However, the ACLU is still up against constant attempts to undermine women's autonomy over their reproductive choices.
- 1978: The ACLU controversially stood up for free speech when it supported a Nazi organisation that intended to march through Skokie, a Chicago neighbourhood home to many Holocaust survivors. Many saw the case as the ACLU's best hour and it has since come to symbolise our unshakable devotion to principle. However, the case's prominence cost the organisation dearly as members fled in droves.
- 1981: A law in Arkansas mandating the teaching of the biblical creation myth as a "scientific alternative" to evolution was challenged by the ACLU fifty-six years after the Scopes trial. The act, which conservatives viewed as a template for other states, was declared illegal by a federal court. We are still fighting the "intelligent design" movement today, as seen by our 2005 triumph in Dover, Pennsylvania.
- 1997: The 1996 Communications Decency Act, which controlled the Internet by outlawing "indecent" communication in general, was overturned by the Supreme Court

² Oliver Brown, et al. v. Board of Education of Topeka, et al. 347 U.S. 483 (1954)

³ Tinker v. Des Moines Independent Community School District, 393 U.S. 503

⁴ Roe v. Wade, 410 U.S. 113

⁵ Doe v. Bolton, 410 U.S. 179

in the case of *ACLU v. Reno*⁶. Since then, the Child Online Protection Act (COPA), a federal bill that would make speech on the Internet that is protected by the constitution illegal, has been enacted by Congress many times. Every time the ACLU has challenged the statute, it has been ruled unlawful.

- 2001 to present: The ACLU has been vehemently opposing laws that compromise our fundamental liberties in the sake of national security ever since the terrorist assaults of 9/11. Our activists are trying to restore essential liberties lost as a result of the Bush administration policies that enlarged the government's capacity to invade privacy, imprison individuals without due process, and punish dissent. These efforts range from fighting to amend the Patriot Act to contesting NSA warrantless snooping.
- 2003: The American Civil Liberties Union (ACLU) contended in *Lawrence v. Texas*⁷ that the court erred in *Bowers v. Hardwick*⁸ by holding that lesbian and homosexual partnerships were not protected by the right to privacy. It expanded American privacy rights and advanced the equality of lesbians and gay men by overturning a Texas statute that criminalised same-sex relations.
- 2003 to 2009: Following a five-year legal battle, the ACLU's Freedom of Information Act lawsuit forced the release of crucial records that showed the scope of the Bush administration's torture programme. These records included an Inspector General's report that highlighted CIA abuses and long-secret legal memos that justified waterboarding and other abuses. The call for complete accountability from those who approved or permitted torture is being spearheaded by the ACLU.
- 2005: The ACLU supported a group of parents in *Kitzmiller v. Dover Area School District*⁹, a case in which the district ordered public school instructors to substitute so-called "intelligent design" for evolution in high school biology lessons. A district court said that "intelligent design" is not science and that teaching it would violate the First Amendment's Establishment Clause in a ruling that attracted national notice.
- 2009: The 13-year-old Arizona girl's constitutional rights (like right to privacy) were violated by school authorities when they conducted a strip search on her because of an unsubstantiated complaint from a classmate, according to the Supreme Court's decision

⁶ *Reno v. American Civil Liberties Union*, 521 U.S. 844

⁷ *Lawrence v. Texas*, 539 U.S. 558

⁸ *Bowers v. Hardwick*, 478 U.S. 186

⁹ *Kitzmiller v. Dover Area School District*, 400 F. Supp. 2d 707 (M.D. Pa. 2005)

in *Safford Unified School District v. Redding*¹⁰.

- 2013: ACLU defended Edie Windsor’s defence of the Defence of Marriage Act (DOMA) in *US v. Windsor*¹¹. According to that legislation, Edie and her spouse Thea were treated as strangers by the federal government, which taxed the fortune Edie got after Thea passed away. Windsor prevailed in the Supreme Court’s decision that DOMA’s Section 3 was unconstitutional. When deciding whether married gay and lesbian couples could receive federal benefits and protections, the federal government was not allowed to discriminate against them. The campaign for marital equality reached a turning point with this ruling.
- 2018: The landmark decision on privacy established that the government needs a warrant in order to get private location data that is held on a mobile. According to the Supreme Court, judicial scrutiny is required before the government may collect this vitally sensitive material. This ruling creates the framework for comparable safeguards on additional data created and kept by new technologies while also extending privacy rights in the digital age.
- 2018: The Colorado Civil Rights Commission’s finding that a bakery had discriminated against a same-sex couple by refusing to serve them was overturned by the Supreme Court in a narrow decision that supported the bakery that had refused to sell a cake to them. Though it did not explicitly establish a right to discriminate against LGBTQ people, this judgement did uphold fundamental non-discrimination principles.
- 2019: We contested the Trump administration’s proposal to include a citizenship question in the 2020 Census in *Department of Commerce v. NYIC*¹². A question like that would jeopardise government funds for immigrant areas and negatively impact the accuracy of counting in those communities. The Trump administration’s claimed justification for the query was deemed “contrived” by the Supreme Court, which found in our favour. After then, the government gave up trying to bring back the question in any other way.
- 2020: In a historic decision, the Supreme Court upheld the discriminatory nature of terminating an individual due to their LGBTQ status, therefore securing a crucial victory in the ongoing fight for LGBTQ equality. Aimee Stephens and Don Zarda, two plaintiffs

¹⁰ *Safford Unified School District v. Redding*, 557 U.S. 364

¹¹ *United States v. Windsor*, 570 U.S. 744

¹² *Department of Commerce, et al. v. New York, et al.* No. 18–966, 588 U.S. _ (2019)

in the three instances that made up this decision, were represented by us. The ACLU is still pleading with Congress to enact the Equality Act and fill up any holes in LGBTQ Americans' civil rights safeguards.

- 2021: We fought a Pennsylvania school district's policy restricting student expression outside of the classroom in a First Amendment suit. This issue started when a student-athlete's cheering squad was dismissed by the school system for posting a derogatory message on Snapchat. In addition to ruling that the district had violated the plaintiff's First Amendment rights, the Supreme Court determined that the plaintiff's social media posts qualified as free speech since they were made off of school property and not in connection with any official school-related activity.

The ACLU has been involved in more Supreme Court litigation than any other private organisation for more than a century. The ACLU is a winning organisation much more often than not, whether we're defending our positions in front of the nation's highest court or in state and federal courts around the country. The ACLU has been at the centre of several significant, historic court cases for the past nine decades. ACLU's public education and communications team uses a variety of tactics to inform the public about the vital civil freedoms that our country is confronting.

III. CIVIL LIBERTIES MOVEMENTS IN INDIA

(A) Human Rights Movements and Birth of ICLU

Human rights are inalienable, belong to every person, and are applicable everywhere. The state shouldn't infringe upon these liberties. Stated differently, they need to be shielded from the power of the state. Paradoxically, it is expected that the state would have to augment and safeguard them. These rights often fall under the categories of "civil" and "democratic" rights. These rights have existed since antiquity and have various philosophical foundations. Their meanings have occasionally changed depending on the circumstance. Traditionalists view human rights as encompassing the rights included in religion that justify private property ownership, including the practice of bonded labour and slavery. Both liberals and communists held that the fundamental human rights are everyone's equality and the right to live. Political philosophers and jurists are engaged in a heated dispute about how to define human rights.

Individual rights debates and movements centred around these ideas have been contentious since antiquity and have their roots in western culture. A tiny segment of Indian intellectuals was affected by the movements that emerged in the west during the French and American revolutions in the eighteenth century. The basis for discussion and the proclamation of rights

was supplied by social transformation, political activities within various groupings, and the Congress. The defenders of the rights were mainly focused on preserving the financial interests of the landed elite, while the social reformers and liberal political figures pushed for the equality of Indians as “citizens” with the British before the law.

The dissatisfaction of Indians at not being able to pass the Ilbert Bill in its original form, which proposed to grant Indian magistrates the authority to trial British nationals in criminal cases, was one of the numerous elements that contributed to the formation of the Indian National Congress in 1885. A new generation began to crystallise this consciousness towards the end of the century.

The Congress produced a statement of rights in 1918 and sent it to the British parliament. It included the freedoms of assembly, communication, and expression as well as the right to a fair trial and, most importantly, the absence of racial discrimination. Subsequently, Indians were allegedly deprived of all fundamental rights, as stated by the Motilal Nehru committee of 1928. In the Karachi session of 1931, the Congress passed a resolution on fundamental rights, despite the British government’s overriding of the demands. Jawaharlal Nehru and a few of his allies founded the Civil Liberties Union, the nation’s first human rights organisation, in the early 1930s with the intention of defending nationalists facing charges of sedition against the colonial authority. Jawaharlal Nehru founded the first civil rights movement in 1936. In 1936, Rabindranath Tagore became the president of the Indian Civil Liberties Union (ICLU), which was founded in Bombay. In his speech at the ICLU founding convention, Nehru stated that one’s right to criticise the government is fundamental to one’s civil liberties. Sir Tej Bahadur Sapru proposed a constitution in 1945 that placed a strong focus on basic rights. The Indian Constitution incorporated these. Therefore, the liberation fight of the Indian people produced the liberties and rights that are safeguarded by the Indian constitution. The historical analysis of the colonial-era civil rights campaigns is hazy and condensed.

(B) Emergence of the Civil Liberties Organizations in India

The post-independence human rights movement is usually divided into two phases: the pre-crisis phase and the post-crisis phase. The CPI-backed Civil Liberties Committee was formed in West Bengal in 1948 to oppose communist state repression. In 1947, the Madras Civil Rights Union (MCLU) was established. In 1948, the Bombay Civil Liberties Union held a provincial convention. At the MCLU's proposal, an all-India civil rights conference was convened in Chennai in 1949. However, starting in 1952–1953, none of these groups' operations continued. There is no information about this phase of the movement. The great civil liberties movement

began in the late 1960s with the state's brutal attack on the Naxalites. The movement raised the question of the democratic rights of the oppressed sections of society in the name of justice and equality. The struggle for democratic rights is a struggle to protect rights that are already formally guaranteed, but not guaranteed in practice. The denial of democratic rights manifests itself as a contraction of the right to protect already guaranteed rights.

The Emergency Proclamation issued on June 25, 1975, under the Smt. Indira Gandhi administration, gave the civil rights struggle fresh, widespread momentum. She suspended the basic rights, claiming that the privileged sector was using them against her to stop her from implementing policies that would benefit the “majority.” The awareness of the “built-in authoritarian tendencies within the political system” and the inherent problems with assuming that the democratic process would last forever startled the liberal academics. This created the political and intellectual climate that gave rise to the civil rights and democracy movements. During this time, a large number of organisations dedicated to civil liberties and democracy were founded. It has lately come to light that several organisations in various states are working on human rights. The Andhra Pradesh Civil and Democratic Rights Association (APCDRA) was established in 1973, and Jay Prakash Narayan's Citizens for Democracy was introduced in 1974, following the establishment of APDR in Kolkata in 1972. The Andhra Pradesh Civil Liberties Committee (APCLC) was established in 1974 by one group of the APCDRA when it split, while the Organisation for Protection of Democratic Rights (OPDR) was established in 1975 by the other faction. Narayan established the People's Union for Civil Liberties and Democratic Rights (PUCLDR) the following year, in 1976. The Association for Democratic Rights in Punjab (AFDR) was established in 1978, while the Committee for Protection of Democratic Rights (CPDR) in Maharashtra was established in 1977. PUCLDR divided into PUCL and PUDR, two distinct entities, in 1980.

In short, India's civil rights movement began to take shape in the 1970s. The state's response to the Naxalite movement starting in 1967 served as the first catalyst; the main concerns at the time were unlawful detentions, torture, and false encounter deaths. Later, the effort gained steam when the Emergency was imposed in 1975. Nationality conflicts in Kashmir and the Northeast eventually rose to prominence. The remaining organizations—APDR, APCLC, PUCL, OPDR, CPDR, AFDR, and PUDR—are still in operation and are regarded as some of the top civil liberties and democratic rights groups in the nation.

1. People’s Union for Civil Liberties (PUCL)–

Originally founded as the People’s Union for Civil Liberties and Democratic Rights (PUCLDR)

in India in 1976, the People's Union for Civil Liberties (PUCL) is a human rights organization. The 1976 declaration of national emergency in India by Prime Minister Indira Gandhi was a harsh wake-up call for a country that had flourished from constant democratic flow since independence in 1947. Large-scale detention without charge or trial, press censorship, illegal entry into private homes, businesses, or correspondence, and constitutional amendments restricting fundamental freedoms in the guise of national security and emergency all followed. Massive protests involving hundreds of thousands of participants were held to voice opposition to the government's anti-democratic actions and to support the preservation of Indian democracy.

In light of these circumstances, the People's Union for Civil Liberties and Democratic Rights (PUCLDR) was established during a national seminar on October 17, 1976. The elections that ensued after the national emergency was repealed in 1977 brought to Gandhi's demise and the establishment of a new administration led by the leaders of the movement against the emergency. Many believed that the suppression of citizens' civil freedoms had come to an end. However, they were in error. Reputable information gathered by a committee made up of PUCLDR members indicated that young boys classified as "naxalites" were being slaughtered in several regions of the nation.

This made it necessary for there to be a powerful, nonpartisan civil rights organisation to defend the rights of the people, which are constantly being violated regardless of the kind of government that is in office. Consequently, during a convention in November 1980, PUCLDR became the People's Union For Civil Liberties (PUCL). PUCL, which has grown in membership and has chapters in practically every state in India, works to change public perception to support improved conditions for the nation's civil liberties protection. Justice V. R. Krishna Iyer (retired) was asked by PUCL to work on the creation of a new Prison Act and Jail Manual during the 1980 conference. Additionally, because the National Security Act (NSA) was being utilised against trade union members in Madhya Pradesh, the biggest state in India at the time, it sparked a movement against it. PUCL petitioned the Supreme Court the same year, seeking a firm ruling on the liberalisation of locus standi. The problem surfaced after a journalist purchased a lady to prove that women are indeed trafficked. This was a significant development for the nation's judicial activism and the field of public interest lawsuits. This established the standard for the organization's activities in the next years. The Bombay PUCL petitioned the Bombay High Court in July 1981 to halt the eviction of pavement dwellers during a period of intense rain in the city. Additionally, PUCL requested that the courts develop a rehabilitation plan and grant evictees appropriate compensation.

Along with a few other groups, PUCL led the protests against the 1982 Asian Games in New Delhi, which included the use of the Essential Services Maintenance Act, the prohibition on demonstrations, and the need that workers in the construction industry receive minimum salaries. The PUCL participated in a comprehensive investigation on child labour conducted in Sivakashi, a district in Tamil Nadu's southern state, in 1983. There were reports of many youngsters working in the firecracker production sector in this area. It also led to further research in the eastern state of Assam, where ethnic conflict broke out and many individuals, including women and children, were the victims of human rights abuses committed by security forces and non-state groups.

Following the assassination of Indira Gandhi on October 31, 1984, to November 3, 1984, a large number of Sikhs were killed by mobs allegedly supported by political parties. PUCL and the People's Union for Democratic Rights conducted a thorough investigation and produced a report titled "Who are Guilty?" More than 3,000 Sikhs were killed in Delhi alone. PUCL looked into the communal disturbances that occurred in Hasimpura, Meerut, and other nearby regions of Delhi in 1987. PUCL led the front in the 1988 campaign against the offensive practice of sati. It opposed the burning of a woman by the name of Roop Kanwar and has been battling in court to prosecute the person who committed the crime. Reports on human rights abuses in Jammu and Kashmir as well as communal riots in Aligarh (Uttar Pradesh), Bombay (Maharashtra), and other regions of the nation were published by PUCL in the 1990s. It took the government's phone tapping seriously and filed a lawsuit against it with the Supreme Court. It created the prerequisites for a commission with a purpose and vigorously advocated for the creation of the powerful and independent National Human Rights Commission (NHRC). The Manipur government was forced to compensate the relatives of those killed in "fake encounters" with the military by PUCL. PUCL successfully petitioned the Supreme Court in November 2004 to order all state governments to provide uninterrupted midday meals for all students enrolled in elementary schools. The state governments were also informed by the court that they are unable to use the justification that they have not received the necessary funding. *The People's Union for Civil Liberties v. Union of India & Others*.¹³ public interest litigation resulted in a landmark ruling by the Supreme Court of India, which clearly established a constitutional human right to food and established a basic nutritional floor for the millions of impoverished people living in the country.

In the famous case of *PUCL v. Union of India*¹⁴ the Supreme Court affirmed that tapping a

¹³ The People's Union for Civil Liberties v. Union of India & Others (PUCL) (Civil) No. 196/2001

¹⁴ PUCL v. Union of India (People's Union for Civil Liberties vs. Union of India & Ors. AIR 1997 SC 568, (1997)

phone without the necessary precautions and following the law violated people's basic right to privacy.

In order to connect with young people and spark their curiosity, knowledge, and education about the state of human rights in the nation and how their sensitivity in this area may make a difference, PUCL is currently focusing on schools and universities.

2. Punjab Association for Democratic Rights (AFDR)—

When the sensitive individuals got together in Ludhiana in 1978, they made the decision to form the JAMHURI ADHIKAR SABHA, the Punjab Association for Democratic Rights. Shaheed Bhagat Singh's sister Bibi Amar Kaur and the elderly Gadrite Baba Bhagat Singh, who served as the country's first president, both endorse it. The association was intended to be a broad-based organisation that would gather first-hand and unbiased information, compile it into a report that would address all angles of the matter, and then distribute it to the public. This served to both ensure that important and practical concerns are ignored and to serve as teaching tools. This made it easier for the oppressed people to secure the institution of justice.

The sole organisation from Punjab, AFDR, worked with the fraternal groups PUDR and PUCL to document the details of the 1984 Delhi bloodbath and develop materials in Punjabi to inform the Punjabi people of the truth. AFDR was present while the Union Carbide Corporation was causing havoc in Bhopal and submitted a report for Punjab at the same time.

AFDR is an unwavering advocate for democratic rights.

3. Association for Protection of Democratic Rights (APDR)—

Bengal was in disarray from 1967 until 1972. In addition to the extreme volatility of the political system—three non-Congress administrations with four chief ministers and three terms of President's Rule ruled the state—this was also the period during which the Naxalite movement emerged and rapidly expanded over much of the nation.

In 1970–71, Kolkata has become a hub for urban guerrilla warfare. When Bengal was ruled by the President in 1970, the colonial-era Bengal Suppression of Terrorist Outrages Act of 1932 was resurrected in September, and the West Bengal Prevention of Violent Activities Bill, which gave the police broad authority, was signed into law by the President in November.

Based on the Calcutta Police Gazette, Ashoke Kumar Mukhopadhyay's article states that by October 1970, 1,783 CPI(ML) members and supporters had been killed in Calcutta and its suburbs between March 1970 and August 1971, while 25 police officers had died and 350 more

1 SCC 301)

had been injured in CPI(ML) urban actions. Amnesty International released a partial list of killings that occurred in West Bengali jails between December 1970 and June 1972. According to official figures, there were 61 deaths in nine distinct events.

In light of this, attempts to establish an association to defend civil rights began following the swearing-in of Congressman Siddhartha Shankhar Ray as chief minister on March 21, 1972, following the most contentious election in

According to all versions of its past, a few young men were urged to approach rather well-known individuals in order to build an organisation that would protect people's democratic rights by Sushil Bandyopadhyay, a freedom warrior who enjoyed keeping a low profile but had contacts with a wide spectrum of people. Eventually, they received a room offer from well-known river expert and engineer Kapil Bhattacharya and his wife, Tilottama, to use as the office.

On June 25, the APDR was established during a conference held in the room at 18, Madan Boral Lane in downtown Kolkata. At the beginning of the organisation, the president was Kapil Bhattacharya, the working president was Kalyani Das Bhattacharya, the secretary was Pramod Ranjan Sengupta, and the four vice presidents were Sushil Bandyopadhyay and Baren Dam. The formation was announced to the media on September 9 with a 22-point declaration that included a demand for the cancellation of “draconian laws”, the recognition of political prisoners, an end to police brutality and extrajudicial killings, and called on people to defend themselves. Their political activities. According to the memoirs of an early organizer of the APDR, families of victims of political terror asked to contact them. Soon after, units started opening in different locations.

APDR has been in contact with Amnesty International from the beginning. One of the first public events was a demonstration in March 1973 involving the mothers of young people who had been unlawfully killed or tortured in prison by the police or prison authorities. Approximately 30 women walked two kilometers carrying flags to the Writer's Building and presented a mission together with the Chief Minister.

However, the Emergency brought about the banning of the APDR, the destruction and proscription of its periodical *Bharatiya Ganatantrer Swarup*, or The True Face of Indian Democracy, and the arrest of some of its members, including secretary Sanjay Mitra. It started up again after 1977. Similar associations had been established in other regions of the nation by that point. Over the next years, APDR developed a cooperative relationship with a number of them, frequently arranging cooperative fact-finding trips to look into claims of extrajudicial torture and unlawful killings even outside of West Bengal. Over the years, it has remained the

beneficiary of support from some of the top public intellectuals in the state. Maintaining the “war against state terror” as the main focus of its operations, the organisation has frequently brought to light issues that have sparked public outcry against injustice and created political storms. These issues include forced disappearances, killings in fictitious encounters, torture and deaths in jail, and the rights of political prisoners. It is currently engaged in a court struggle with the state government over its intention to extend Jessore Road, which connects Kolkata and Dhaka, by felling decades-old trees.

4. Coordination of Democratic Rights Organisations (CDRO)—

The Coordination of Democratic Rights Organisations (CDRO), a coalition including more than 20 civil and democratic rights organisations from all over India, was founded in August 2007. The coordinating organisations of the CDRO are: Association for Democratic Rights (AFDR), Punjab; Association for Protection of Democratic Rights (APDR), West Bengal; Campaign for Peace & Democracy in Manipur (CPDM), Delhi; Bandi Mukti Committee (BMC), West Bengal; Civil Liberties Committee (CLC), Andhra Pradesh; Committee for Protection of Democratic Rights (CPDR), Mumbai; Civil Liberties Committee (CLC), Telangana; Committee for Protection of Democratic Rights (CPDR), Tamil Nadu; Janahastakshep, Delhi; Coordination for Human Rights (COHR), Manipur; Jharkhand Council for Democratic Rights (JCDR), Jharkhand; Manab Adhikar Sangram Samiti (MASS), Assam; Naga Peoples Movement for Human Rights (NPMHR); Peoples Democratic Forum (PDF), Karnataka; Peoples’ Committee for Human Rights (PCHR), Jammu and Kashmir; Peoples Union for Democratic Rights (PUDR), Delhi; Peoples Union for Civil Rights (PUCR), Haryana.

The CDRO was created in response to the violent government repression of democratic rights activists in India and their incarceration. The CDRO affirms that:

- The right to organise and participate in conflict is one of the people’s inalienable democratic rights;
- People should band together to oppose any government repression of citizens’ democratic struggles.
- To stand up for civil rights groups and the people who represent them in the event that the state targets them.

CDRO has taken part in several campaigns and initiatives, like as the removal of harsh laws like the Armed Forces Special Powers Act (AFSPA), the Unlawful Activities (Prevention) Act (UAPA), the Chhattisgarh State Public Security Act (CSPSA), the Maharashtra Control of Organised Crime Act (MCOCA), and other brutal laws that are in effect in India, condemning

the arbitrary incarceration of a number of political prisoners in Indian prisons and calling for their release, the growing use of armed, extrajudicial groups supported by the state, such the Salwa Judum in Chhattisgarh and the COBRAs in Andhra Pradesh, to quell the Maoist insurgency, the situation of India's death penalty, and police torture using narco analysis.

5. Democracy Convention 2024

On February 10 and 11, more than a hundred representatives of civil society, human rights advocates, former government employees, media experts, and academics came together to express their worries about India's growing trend towards authoritarianism. Former Jammu and Kashmir chief minister Omar Abdullah, prominent Congressmen Salman Khurshid and Manish Tewari, general secretary of the Communist Party of India (Marxist) Sitaram Yechury, Member of Parliament Kapil Sibal, leader of the CPI-M Kashmir, Mohamad Yusuf Tarigami, and Peoples Democratic Party spokesman Suhail Bukhari all spoke at the two-day Democracy Convention 2024. The convention outlined strategies to address pressing issues like youth and women's unemployment, stop majoritarian communalism, protect constitutional rights and statutory institutions' autonomy, fortify the federal contract, and advance social justice and equality. The Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Bills, which permit arrests on the basis of mere suspicion and expand the definition of terrorism to encompass nonviolent protests like roadblocks, were among the recommendations made by the Democracy Convention. These bills need to be reviewed. It also suggested doing away with laws that were too harsh, such as the Unlawful Activities (Prevention) Act (UAPA) and the Public Safety Act (PSA) of Jammu and Kashmir. The press release stated that the convention recommended against using force in internal conflicts, that the Preventive Detention Act (PDA) should only be implemented in times of war, and that bail should always be the standard, with the rarest of offences being exempt. In addition, the conference called for a thorough revision of the Prevention of Money Laundering Act, 2002 (PMLA), pointing out that it has been used to target government opponents. In order to guarantee economic stability and encourage crop diversification, it also urged the government to enact recommendations from the Swaminathan Commission and offer a legal guarantee of the minimum support price (MSP). Other important recommendations included repealing the Citizenship Amendment Act (CAA) of 2019 and enacting a comprehensive domestic anti-discrimination law that would protect citizens from discrimination in a variety of fields. Strict adherence to the 1992 Places of Worship Act with the 1947 cutoff date was also suggested.

IV. CONCLUSION

The foundation of democracy is civil liberties, which protect individual rights and guarantee the checks and balances that hold governments responsible. Civil freedoms continue to influence our society and give people more power, from the historical battles for human rights to the present-day difficulties of the digital era. Even with the advancements, a number of issues still exist and call for further change, education, and activism. It takes the active participation and attentiveness of individuals, governments, and civil society organisations to uphold civil freedoms. All of us have a part to play in defending civil liberties and building societies that value and defend the rights and dignity of every person as change agents. When democracy in a democratic country like India is being undermined by the government every day, it is the duty of civil liberties organizations in the country to mobilize public opinion and pave the way for larger movements. Left student organizations like SFI, AISF, AISA, various democratic student organizations, youth organizations and political parties of the country should join the movement along with these civil liberties organizations. Above all, this civil liberties movement should take the form of a mass movement and protect the civil and democratic rights of the common people of the country.

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