

APPENDIX

ON DEFENCE OF CASES

The repression launched by the government against the militant trade unionists and kisan workers raised the problem of defence of those who were implicated in cases.

The most notable were the cases of the Telangana comrades who were accused of murder, dacoity, arson etc. Many were sentenced to death but some of the sentences were commuted.

Besides Telangana there were cases all through the country.

A Defence Committee for Telangana had been formed under the auspices of the AITUC and it had collected some funds for defence.

At the end of 1950, this Committee was left devoid of funds and collections in the country had practically fallen off. At this juncture, we appealed to the W.F.T.U. for aid and as most of the accused were workers and peasants the WFTU rendered help. It enabled us to invite Mr. D. N. Pritt to argue some cases before the Supreme Court. Mr. Pritt's assistance was a great help in organising defence.

The other cases also demanded serious attention. In the Tamilnad especially, hundreds of workers, peasants and middle-class intellectuals standing by them, had been implicated by the police in conspiracy cases. There were the Madura and Ramnad cases, Salem cases, Trichi Conspiracy case, Edapally case and so on.

In Maharashtra there were cases in Ahmednagar and Thana.

In U. P. there was the Ballia Case.

In East Bengal cases instituted before partition required our attention. There was the Kakdwip case and the Manipur case.

Besides these, occasional cases arose from strike struggles as the case of Allen Berry Company and the case of Gwalior, where two persons were sentenced to death.

In these cases, the democratic-minded lawyers rendered great help. Many who engaged in the defence themselves were arrested

and threatened. But they held on to the cause of defending the victims of the wrath of the Congress Government.

Many of these cases are still pending and the government refuses to withdraw them.

The following is the list of cases which have been rendered help by the W.F.T.U.:—

1. Telangana cases (400).
2. Trichy Conspiracy case (135).
3. Tinnevely Conspiracy case (91).
4. Ramnad Conspiracy case (65).
5. Madura Cases.
6. Coimbatore cases.
7. Edapally Conspiracy case.
8. Ballia Case.
9. Manipur Conspiracy case.
10. Kakdwip Conspiracy case.
11. Salem Conspiracy Case.
12. Nasik Prison Firing Case.
13. Ahmednagar Case.
14. East Bengal Case. (Nachole)
15. Allen Berry Rioting Case.
16. Gwalior Mill Riot Case.

From July 1950 to May 1952 aid to the tune of Rs. 20,000 (twenty thousand) was given by the WFTU to the various cases through Defence Committees where they exist or through individual lawyers and defence organisers who have been selflessly conducting the defence for years.

The need to defend workers and peasants, who are victims of prosecutions, a large number of democratic-minded lawyers is required. Formerly a part of this work was inspired by the Civil Liberties Union. Well-known conspiracy cases have also inspired many lawyers to take up the work of defence as a matter of their duty towards democracy. Some of the lawyers who have helped do not agree even remotely or sympathise with the political views of the accused. There have been lawyers, who have helped to defend the cases with the simple and straightforward idea of helping workers and peasants who have no means to defend themselves against the well-paid lawyers of the State.

There is need for an organisation that will collect this fund of goodwill and put it at the service of the working class and the oppressed. In some places, organisations of Democratic

Lawyers have sprung up. But this work requires to be co-ordinated on an all-India scale.

History tells us that when the class struggle becomes acute, the bourgeoisie gives up even the semblance of administering "justice". In America in the celebrated cases in which well-known democrats, communists and militant trade-union leaders were prosecuted, the American Judges went to the length of sentencing even the lawyers, who defended the accused for their fearless defence in the Court. In India, too, lawyers, who appear in our cases, are dogged by the police and sometimes even detained under the Preventive Detention Act.

There was a time, when in the famous Cawnpore Communist Conspiracy case of 1924 and the Meerut Conspiracy Case of 1929-33, the defence of the 33 accused, among whom there were 20 Communists, was taken up by Pt. Motilal Nehru, Jawaharlal Nehru, Tej Bahadur Sapru, Mr. Chagla, now Chief Justice of the Bombay High Court, Dr. Katju, now the Home Minister of the Government of India. These cases were launched by the British Government in order to smash the T. U. movement and the growth of the ideology of Socialism-Communism. Then even ideology was sought to be made punishable. For the mere mention of the word class struggle in speeches one was hauled up under section 153A, though this section was never enacted to deal with such cases. And the defenders in those days did their job very well.

But now they themselves have become the ruling class and have turned into prosecutors, instead of defenders of the working class and its struggles for freedom and better living conditions. Hence, the work of defence has become still more difficult.

Another responsibility in these cases, apart from defence, is to provide relief to the families of the persecuted and to the prisoners themselves. The greatest weapon of the government in breaking the spirit of the prisoners is to starve them of amenities, literature, etc.! Supply of literature to prisoners requires funds and organisation.

It is the task of the trade unions to undertake this work. We cannot let our fighters go undefended or uncared for.

At present, Com. C. A. Balan of the Coimbatore case is under a sentence of death. From Gwalior comes the case of those who have also been sentenced to death. There are three death sentences from Basti of kisan organisers, and an unknown number from Telangana. A campaign for the commutation of the death sentences has been organised and has to be developed further.

It is a regrettable fact that though there is need to organise defence of these cases and campaigns are necessary for the purpose, those in charge of defence do not send any reports to the AITUC about the cases. In many cases, we do not know what the accused are, how many, what class etc. We do not know the charges, nor the circumstances of the cases. The reports of some cases have to be gathered from the reports of court proceedings appearing in the press. We have tried to collect some information, but it is not at all full. The AITUC wanted to bring out a booklet giving the history of the cases we have defended, the way in which government prosecuted the T.U. workers and in many cases failed to substantiate the charges.

In the recent past many of our lawyers have done great work in raising fundamental issues before the courts and have shown how the bureaucracy, in violation of its own Constitution and its own principles of bourgeois justice and laws, has deprived hundreds of citizens of the country of their personal liberty and clapped them in jail. The story of the fight for personal freedom, legalisation of unions and political parties and other organisations, carried on in the law courts, mainly by democratic-minded non-party lawyers and lawyers who belong to the Party, requires to be told. And a permanent organisation to sustain this struggle for fundamental rights of citizens and specially of working class and its organisations has to be built up.