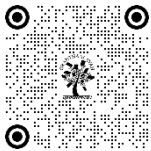# EMERGENCE AND EVOLUTION OF CIVIL RIGHTS MOVEMENT IN INDIA: AN OVERVIEW

Dr. Soumen Roy [1]

[1] Associate Professor, Department of Political Science, Sidho-Kanho-Birsha University, Purulia, West Bengal, India

ABSTRACT

Usually, civil rights are essential rights to live a peaceful civilized and dignified social life. All civil rights are also identified as important social rights of citizens. In India, the term civil rights, right to individual liberty, human right etc. are used almost synonymously. Civil rights movements in India have a long history. Civil rights movement in India started from the pre-independence period and even in independent India the civil rights movement has gone through various phases and events. The issue of civil rights movement is closely associated with the democratic rights movement, the human rights movement and the national freedom movement. The civil rights movement in India has also started with the national freedom movement during the colonial period. The efforts to protect civil rights that can be traced through India's national liberation movement from the pre-independence era are considered equally relevant long after independence.

Keywords: Civil Rights, Human Rights, Democratic Rights, Movement, State

1. INTRODUCTION

Social movements have had a long history in India as well as in the world. Almost all of the social movements were happened for socio-political change and protection of rights of the citizens of the state. The main duty of every democratic state is to ensure the rights of the citizens of the respective state and to take appropriate initiatives for the welfare of the citizens. Without specific rights, it is not possible for citizens to lead a dignified life. Individual rights that people enjoy in society recognized by law are personal rights and civil rights. Generally right of the citizens of a state is called 'civil rights'. The first important right among the rights of a person as a citizen is the civil right. Important civil rights are right to live and think; right to express opinion, right to life, right to live within the state, right to form family and right to move etc. Generally, civil rights are essential rights to live a peaceful civilized and dignified social life. All civil rights are also identified as important social rights of citizens. In India, the term civil rights, right to individual liberty, human right etc. are used almost synonymously. Civil rights movements in India have a long history. Civil rights movement in India started from the pre-independence period and even in independent India the civil rights movement has gone through various phases and events.

2. RESEARCH METHODOLOGY

This paper has been prepared by applying historiography as a method of study and qualitative approach of research. Mainly secondary data sources i.e. books, journals, government documents and reports had been use in this purpose.

2.1. OBJECTIVE

The key objective of this paper is to analyze and discuss how civil rights movement in has been emerged and the changing paradigm of the movement. This paper also analyzes the ups and downs of the movement; and its different perspectives.

3. CIVIL RIGHTS MOVEMENT IN INDIA

Generally speaking, since the dawn of human civilization, civil rights movements have been organized at different times, in different contexts, and in different forms. The issue of civil rights movement is closely associated with the democratic rights movement, the human rights movement and the national freedom movement. The civil rights movement in India has also started with the national freedom movement during the colonial period. However, it was only in the eighteenth and nineteenth centuries that an awareness of civil liberties emerged, and manifesting itself in demands for freedom of thought and expression, freedom of the press, equality before the law, and the right to resist racial discrimination. Important global events in establishing civil rights include 'England's 'Magna Carta' (1215), 'Petition of Rights' (1627), and 'The Bill of Rights' (1688); France - 'The Declaration of the Rights of Man and Citizens' which was adopted after the French Revolution; and US-'The Bill of Rights' etc. Also in the Soviet Constitution in 1937, 'The Soviet Bill of Rights', raised in the context of the famous slogan of the Bolshevik Revolution, 'bread, land and all power to the Soviets', was adopted in the Soviet Constitution in 1937 (1). These events played an important role in the establishment of civil rights and human rights all over the world.

4. PRE-INDEPENDENCE PERIOD

Civil rights movement in India can be discussed in two parts. The first part is the pre-independence period and the second part is the post-independence period. The civil rights movement in India began in the pre-independence phase of India's national freedom movement. In this context, Bipan Chandra, Mridula Mukherjee and Aditya Mukherjee mentioned in their book 'India Since Independence' that, 'The Indian National movement was fully committed to a polity based on representative democracy and the full range of civil liberty for the individual. It provided the experience through which these two could become an integral part of Indian political thinking.'(2). The Indian National Congress was founded in 1885 as the flagship organization of India's nationalist independence movement. The Indian National Congress was founded essentially following democratic ideals that recognized diversity of viewpoints and ideological plurality. Most of the leadership of the Congress nationalist movement was committed to civil liberties and rights. As Lokmanya Tilak declared that, 'Liberty of the press and freedom of speech give birth of a nation and nourish it'. (3) In 1922, Gandhiji wrote that, 'We must first make the right of free speech and free association... We must defend these elementary rights of our lives.' (4) In 1939 he said again that, 'Civil Liberty consistent with the observance of non violence is the first step towards 'Swaraj' (self-rule). It is the breath of political and social life. It is the foundation of freedom. There is no room for dilution or compromise. It is the water of life. I have never heard of water being diluted.'(5) Regarding civil liberties, Pandit Jawaharlal Nehru wrote in 1936, 'If civil liberties are suppressed a nation loses all vitality and becomes important for anything substantial.'(6) The issue of civil rights has gained considerable importance in the thinking of the national leaders of British-ruled India. It was in the context of the civil rights spirit that the Indian National Congress was founded as a political party in 1885. Even before the establishment of the Indian National Congress, movements and protests were being organized by Indian leaders against the dictatorial decisions of the colonial rulers and to protect civil rights.

The first organized attempt at civil rights consciousness in India can be seen in 1918 when a special session of the Indian National Congress in Bombay adopted a charter called the 'Declaration of Rights'. This charter was sent to the British Parliament and demanded that the new Constitution to be given to the Indians as recommended by the 'Montague Chelmsford Reforms', should include the civil rights mentioned in the said 'Declaration of Rights' charter. Prominent

among the rights enshrined in the charter were freedom of expression, freedom of assembly, right to a fair trial and above all the right to freedom from caste discrimination.(7) Since the establishment of the Indian National Congress, the organization was mainly led by moderate leaders. Although no anti-colonial militant attitudes and activities were observed among these moderate leaders, the issue of civil rights figured prominently in some of their activities and demands. Among the demands of civil rights, the introduction of Indian Civil Service (ICS) examination in India and this examination should be taken simultaneously in England and India. This demand was raised as a protest against caste discrimination against Indians. Also notable among the important demands were the separation of the administration and the judiciary, expansion of the jury system in judicial matters, repeal of the Conventional Arms Act, appointment of Indians to high posts in the military. Prominent historian Professor Sumit Sarkar commented about these demands, '...demands which evidently combined pleas for radical equality with consent for civil right.(8) Thus, through the demands that the leaders of the National Congress made to the colonial rulers were the legal recognition of the civil rights of Indians.

In 1919, the repressive Rowlat Act was enacted by the colonial rulers in response to the demand for civil rights of Indians. In 1918 some of the recommendations of the Secession Committee headed by Justice Rowlat were incorporated into the Act. This Act gave overwhelming powers to the police to suppress freedom fighters and revolutionaries. As a result of which the Rowlat Act was promulgated in Punjab in 1919 and the inhumane and most brutal Jallianwala Bagh massacre took place. During this time, Gandhiji organized the 'Satyagraha' movement against the repressive and oppressive policies and human rights violations of the British government. It was at this time that Madras Congress leader Satyamurthy published the book 'The Rights of Citizen' (1919) which elaborated the Bill of Rights and highlighted the important aspects of civil rights.(9) An All-Party Conference was held at Kanpur in April 1925 to discuss securing the civil rights of Indians and to frame the value of a Constitution. A new Charter of Human and Civil Rights was adopted at this conference. In addition to the rights mentioned in the 'Declaration of Rights' adopted by the Indian National Congress in 1918, the Charter added some new rights; notable among them are - the end of gender discrimination in various spheres of society, the right to free thought and freedom of religion, the right to free primary education for all, etc. (10) Thus the subject of civil rights moved towards recognition based on the demands and consent of various political parties.

In the thirties of the 20th century, unlimited state repression and persecution began in various parts of colonial India in the name of anti-colonial terrorism. On 20 March 1929, 33 left-wing activists from different parts of India were arrested on charge of anti-state conspiracy, known as the famous Meerut Conspiracy Case. In the same year, Jatin Das, a member of the Hindustan Socialist Republican Army led by Bhagat Singh, died after a 63-day hunger strike. Human rights and civil rights ideas based on the status of political prisoners and prison riots became stronger around this incident. After Gandhiji's arrest on 7 May 1930, industrial workers in Solapur, Maharashtra went on strike. The British police opened fire indiscriminately on the agitating workers, killing many workers, and eventually the colonial government imposed martial law to control the situation. Four labour leaders of Solapur were hanged on 12 January 1931. This incident also greatly affected the workers in Bombay and Ahmedabad and the mill workers went on strike. On 23 March 1931, Bhagat Singh, Sukhdeo and Raj Guru, accused in the Saunders murder, were sentenced to death in the Lahore Conspiracy Case. During this time, the entire country erupted in protest over the hanging of three people, including Bhagat Singh, and 141 citizens were killed by the British police who participated in the protest. On 16 September 1931, the police attacked political prisoners with batons and banners in the Hijli Jail, Midnapore, and then opened fire. Again, on August 30 of this same year, Haripad Bhattacharya shot dead the tyrannical police officer Asanullah in Chittagong and in view of this incident; the British police started a massive repression in Chittagong. In view of these two incidents, a protest meeting was organized at Calcutta Savon Hall on 26th September of that year and eventually the meeting was moved under the monument due to the huge crowd and Rabindranath Tagore, ailing, gave a speech against the torture of the colonial government. Subsequently, in April 1934, the Union Home Secretary announced that the Satyagrahi's held by the Congress would be released if the civil disobedience movement was withdrawn. But even after the civil disobedience movement was finally withdrawn, many political prisoners were not released in Bengal. In this context, Rabindranath Tagore made the statement that, "I urge the Government not only to exercise your power firmly but to strive for the glory of realizing the value of man." (11) During this period, the concept of civil rights gained momentum through protests against the repressive activities of the British colonial rulers.

From the late 1930s onwards, civil rights demands were regularly raised against the colonial regime under the leadership of the Indian National Congress, especially in 1937 when governments were formed in various provinces through elections. The pre-independence decade is considered an important decade for various rights and movements.

At this time, Gandhiji presented a draft resolution on civil rights to the All India Congress Committee session, which states, "In as much as people including Congressmen have been found in the name of civil liberty to advocate murder, arson, looting and class war through violent means and several newspapers are carrying on a campaign of falsehood and violence calculated to incite the readers to violence and to lead to communal conflicts the Congress wants the public that civil liberty does not cover acts of or incitement to violence or promulgation palpable falsehood. In spite therefore of the Congress policy on civil liberty remaining unchanged, the Congress will consistently with its tradition support measures that may be undertaken by the Congress government for the defense of life and property."(12) The draft resolution opposes any form of violence and subversion of civil rights movements and paves the way for civil rights through political management. Thus attempts were made to stop violent activities in the name of civil rights. While Gandhi and Nehru tried to confine the civil rights movement to a certain boundary, but in 1937 Lohia opined that such movements were methods of social change where the demands for civil rights, both internally and externally, became increasingly vigorous.(13) From this time, the differences between the civil rights movement and other organizational movements in terms of policy and ideology became increasingly clear. Civil rights tend to operate in a different context where a distinction is made between illegal activities, communal and anti-state activities, and general protest and civil disobedience.

From the early 1930s onwards, the level of oppression increased by the British colonial rulers on Indian citizens who raised their voices for independence. Towards the end of this decade, on 24 August 1936, India's first civil rights and liberties organization - 'Indian Civil Liberties Union' was formed. This organization of citizens was formed mainly on the initiative of Pandit Jawaharlal Nehru. Jawaharlal Nehru said in his speech at the first meeting of the organization that, "The idea of civil liberties is to have the right to oppose the government." The contemporary Indian socialist leader Rammanohar Lohia in his book 'The Struggle for Civil Liberties' (1936) noted that the character of civil liberties movements has always been anti-state.(14) Rabindranath Tagore was elected as the first president of the Indian Civil Liberties Union and Sarojini Naidu as the working president and K. B. Menon was appointed as General Secretary and a high-level committee was formed with 21 members, among whom prominent personalities such as Jawaharlal Nehru, Abul Kalam Azad, Saratchandra Bose, Rajendra Prasad, Vallabhbhai Patel, Jayaprakash Narayan etc. At an early stage, the organization decided to protest and investigate cases of state repression of political prisoners, police torture, banning of any organization, violations of human rights and civil rights. During this time, many of India's nationalist leaders took initiatives to establish and preserve civil rights. But in post-independence India, many of these nationalist leaders, who had been demanding the right to criticize and oppose the government for so long, got an opportunity to actively participate in the governance of the country. And significantly, many of these politicians, once in power, showed utter indifference to the liberties and rights of citizens. Pandit Jawaharlal Nehru, one of the pioneers of civil rights movements, declared that there would be no 'Black law' in independent India. But soon it was seen that after independence different types of repressive laws (PD Act, MISA, COFEPOSA, ESMA, TADA etc.) started to implemented.

5. POST-INDEPENDENCE PERIOD

Along with the process of transfer of power from the British colonial rulers to the Indian ruling class, civil rights and democratic movements continued simultaneously. In post-independence India 'Madras Civil Liberties Union' was established in 1947 and then 'Bombay Civil Liberties Conference' was held on 1st and 2nd January, 1949. In 1948, the Communist Party of India was banned and severe state repression was imposed on communist workers to counter the communist movement throughout the country. In this context, prominent individuals such as lawyer Saratchandra Bose, scientist Meghnad Saha, intellectual Kritiprasad Chattopadhyay became vocal in protesting against state terrorism. The 'Civil Liberties Committee' was formed in West Bengal in 1948 on the initiative of all these eminent persons. Thus, the civil rights movement and the democratic movement were driven by Communist Party against the state terror in early independent India. During this period, civil rights and democratic movements were mainly led by political parties. In the late 1960s, the Naxalbari armed peasant movement in West Bengal led the democratic rights movement to increasingly violent means. In the early 1970s, state terrorism intensified in West Bengal to suppress the Naxalites. Naxalists are subjected to unspeakable persecution inside and outside the jail. Many contemporary artists and intellectuals came forward to protest against this state terror. On June 25, 1972, the Association for Protection of Democratic Rights (APDR) was formed as the largest and strongest civil rights protection organization in West Bengal with the initiative of all these intellectuals and prominent people. In the contemporary situation, this democratic rights protection association played an important role in protecting civil rights and democratic rights in West Bengal. During

this time, the democratic rights movement also gained wide support from the common citizens. On 26 June 1975, the then Prime Minister Indira Gandhi declared an internal emergency, citing internal chaos. During this internal rationalization, several political organizations were banned, freedom of the press curtailed, and administrative interference in the judiciary. In addition, many citizens who believed in different and opposing ideologies were detained without trial and the basic rights of ordinary citizens were restricted. During this infamous emergency, Jayaprakash Narayan declared a moral jihad against the autocratic and democratic rights-violating Congress government. At this time in October 1976, a civil rights organization named 'Peoples Union for Civil Liberties' (PUCL) was formed in Delhi. One of the main founders of this organization was Jayaprakash. (15)

After the emergency, in 1977 at the Central and at the some states democratic governments were established. A Left Front government led by the CPI(M) was formed in West Bengal and this government released all the political prisoners from jail including the so-called Naxalite leaders. It also set up three commissions to investigate police and other officials who committed brutal atrocities during the emergency period. One of the functions of these inquiry commissions was to inquire into the torture and oppression or violation of fundamental rights during the jury trial. However, these commissions have not been able to play any effective role and the guilty police and civil servants have not been punished. Various left-wing parties, including the Communist Party, became increasingly indifferent to civil rights violations, and a slight change in the views of left-wing parties on civil rights could also be observed after they were installed in government.

6. LAST WORD

Finally, in the 1970s, the concept of human rights became a global movement and the civil rights movement in India became associated with the concept of human rights at large. On the other hand, in the eighties and nineties, various groups increasingly engaged in violent anti-state activities. Because their claim was that the civil rights and liberties pledged during the emergency were not reflected in state action after the emergency. In this situation, various Maoist armed groups started to increase their activities for social change and they took several anti-government programs. Thus, civil rights movements were organized and conducted by various social groups and non-governmental organizations. On the one hand, the repressive laws and regulations of the state and the government, on the other hand, the organized social efforts to protect civil rights can be observed even today. Thus it can be said that efforts to protect civil rights by many social and political organizations against negative government policies on the another hand will continue as a reciprocal movement in a democratic country like India. The role of civil society movements in a democratic state is very important to resist the tyranny of the ruler. Most recently, in view of the massive student movement against reservation of seats and reserved quota in government jobs and the participation of a section of civil society in spontaneous anti-government movement, our neighboring country Bangladesh underwent an unprecedented situation and a caretaker government was formed instead of the so-called elected government. Most recently, just a few days before our 78th Independence Day, against the brutal torture and brutal killing of a potential young doctor in R.G.Kar Medical College, Kolkata, people from all parts of the society, including the civil society, have formed an organized protest across the country and internationally, demanding appropriate justice for the brutal murders. So the role of civil society is very important in protecting the democratic and civil rights of the citizens against the ruler's tyranny, corruption and public welfare policies. The civil society has to play the role of watchman to protect the rights of the citizens. Otherwise the autocratic ruler desire to stay in power for a long time and will try to suppress the rights of the people by influencing the various constitutional institutions by enacting anti-public interest policies and arbitrary actions. Thus, the efforts to protect civil rights that can be traced through India's national liberation movement from the pre-independence era are considered equally relevant long after independence. In all the countries of the world, including India, the organized movement of ever-vigilant and conscious citizens resists the autocracy of the ruler to run the state in a democratic manner and secure the rights and liberties of the citizens.

CONFLICT OF INTERESTS

None.

ACKNOWLEDGMENTS

REFERENCES

Chakrabarti, Dipankar. (2017). 'Evolution of civil rights movement in India', in Amit Bhattacharrya & Bimal Kanti Ghosh (Eds.) Human Rights in India-Historical Perspective and Challenges ahead. Kolkata: Setu Prakashni, pp.109-110.

Chandra, Bipan; Mukherjee, Mridula; & Mukherjee, Aditya. (2008). 'India Since Independence' Noida- Gurugram:Panguin Random House India Pvt. Ltd. p.- 25.

Kesari, 16 June 1908, quoted in Ashish Kumar Dhuliya,(1984), 'Aspects of Tilok's Strategy and His Struggle for Civil Liberties', M.Phil. dissertation, Centre for Historical Studies, Jawaharlal Nehru University, New Delhi, p.269.

Gandhi, Completed Works, Vol. 22, p.142.

Gandhi, Completed Works, Vol. 69, p. 356.

Selected Works of Jawaharlal Nehru', general editor S. Gopal, Vol. 15, 1972-82, in Chandra Bipan, Mukherjee Mridula & Mukherjee Aditya. (2008). India Since Independence' Noida- Gurugram:Panguin Random House India Pvt. Ltd. P.- 27.

Dutta, Nilanjan, 'From Subject to Citizen: Towards a History of Indian Civil Rights Movement' in Anderson and Guha (ed.), Changing Concepts of Rights and Justice in South Asia, p. 227, in 'Siddhartha Guha Roy (July, 2020), Manaadhikar and Ganatantrik Adhikar: Aitihasik Prekshapa'(in engali), Kolkata: Mitram, page-20.

Sarkar, Sumit, 'Modern India, p.90, in'Siddhartha Guha Roy (July, 2020), Manaadhikar and Ganatantrik Adhikar: Aitihasik Prekshapa'(in engali), Kolkata: Mitram, page-18.

Guha Roy Siddhartha (July, 2020), Manaadhikar and Ganatantrik Adhikar: Aitihasik Prekshapa'(in engali), Kolkata: Mitram, p.-21.

Rao, B. Shiva. 'The Framing of Indian's Constitution: Selected Documents', Vol.1, p. 44, in Siddhartha Guha Roy (2020), ibid, p.21.

Tagore, Raindranath. 'Karter Icchay Karma(in engali), Rabindra Rachanaboli thirteenth volume, Birth centenary edition, Government of West Bengal, p.-243.

'Gandhi's Draft Resolution on Civil Liberty' (1999), in Basudev Chatterjee (ed.), Towards Freedom: Documents on the Movement for Independence in India 1938, 3 vols., Vol 1, New Delhi: Indian Council for historical research and Oxford University press, pp. 102-103.

Lohia, R M. (1936). The Struggle for Civil Liberties. Allahabad: Foreign Department, All India Congress Committee, pp. 34-35.

Guha Roy Siddhartha. (2020). p.-24.