

Oppose TADA

Protest Against All Black Laws

In 1985 the Terrorist and Disruptive Activities (Prevention) Act, [TADA] was introduced -- in one state and two union territories, for a period of two years. It gave extraordinary powers to the State to curb terrorism. Today, a decade later, TADA remains. It covers 21 out of the 25 states, and affects 95 percent of the people of our country. Laws like TADA deny all normal legal rights to the accused, and give unchecked powers to those enforcing the law. Most of the attention on TADA has centred around 'misuse' of the Act. But civil liberties and democratic rights groups have argued from the beginning that the law itself is anti-democratic.

The Act defines terrorist and disruptive activities so vaguely that it allows the Government to arrest just about anybody as a terrorist. Even the mere possession of a weapon entitles a minimum punishment of five years. Among those arrested under the Act are --

- striking workers of Ahmedabad and Aurangabad,
- farmers protesting against an electricity price hike
- students staging a demonstration against the approval given to the Dunkel draft
- leaders and thousands of ordinary members of peasant organizations in Andhra
- journalists who dared to oppose the Government in Assam, and
- innocent members of minority communities in states such as Gujarat and Maharashtra.

So any political activity now becomes terrorism. And the state can crush all dissent under this Act.

More seriously, TADA denies the accused any access to the due process of law.

- ➔ Once arrested, an accused can be produced before an Executive Magistrate, who could be the local tehsildar or even a police officer.
- ➔ Whether police produces any evidence or not, the accused is put in jail for a minimum period of six months, extendable upto a year, since charge sheets need not be filed upto a year.
- ➔ Confessions extracted by the police from the accused or the co-accused (even through beating and threats) are admissible as evidence against the accused.
- ➔ Trial, which in the normal course would start more than two years after arrest, is not open to public. It is held in a specially Designated Court which may be thousands of kilometres away. And the identity of those testifying against the accused need not be disclosed to the accused.
- ➔ Under all normal laws the accused is assumed innocent until guilt is proved. But in TADA this may be reversed -- police need not prove the charge, while the accused has to prove his/her innocence.
- ➔ From arrest till the final completion of the case, no matter how much delay occurs, the accused remains in jail. For bail is denied as a rule. It can be granted only if the judge is convinced that the accused is innocent and will not commit *any* crime in future.
- ➔ Appeals against Designated Court decisions cannot go to the High Court but only to the Supreme Court. Both the greater distance and the higher costs put the apex court beyond the reach of most ordinary people.

Provisions such as these make the investigation less thorough, they make the police more casual about what the government describes as terrorism, and they make TADA fundamentally undemocratic. In doing so justice becomes a further cry and what is violated are the right to life and liberty, right to freedom of expression, and right to equal protection before the law, all of which are guaranteed by the Constitution.

Till June last year over 76,000 people had been arrested under TADA. Cases had been settled for barely 37,000 of the arrested. While 843 people were convicted, over 36,000 were either found

innocent by the courts and acquitted, or the charges framed by the police were found to be baseless, or else police themselves did not file the charge sheet. In any case the arrested people were forced to undergo a fortnight to a month in police custody and anything between 6 months to 5 years in jail. And for no fault of theirs. Today there are over 38,000 people undergoing similar detention, solely because of this law.

In the past few months there has been a hue and cry from political parties on the misuse of the Act. These are the same parties which have conveniently used TADA against all political opposition wherever they are in power. Their call for repealing the Act is a cynical ploy to get mileage out of the growing popular opposition to it. So even if TADA is repealed, it is quite possible that it will be replaced by another extraordinary law under a different name. The fight against TADA will have been in vain if it is followed by another equally undemocratic law.

**Join civil liberties and democratic rights groups
in a convention and rally to demand unconditional repeal of TADA,
and to oppose any black law replacing it.**

Attend Convention Against TADA	Join Rally
Date: 13 May 1995, Saturday	Date: 13 May 1995
Venue: 35, Ferozeshah Road, Mandi House	Starting from Mandi House at 5.30 p.m.
Time: 10:00 a.m. to 5:00 p.m.	

**Repeal TADA!
Withdraw all TADA cases!
No more black laws!**

Democratic Rights Campaign Against TADA

HOSTED BY

People's Union for Democratic Rights, Delhi (PUDR)

Constituent Organisations:

All India Federation of Organisations for Democratic Rights, AIFOFR
Andhra Pradesh Civil Liberties Committee, APCLC
Asansol Civil Rights Association, ACRA, Asansol, West Bengal
Association For Democratic Rights, AFDR, Punjab
Association for the Protection of Democratic Rights, APDR, West Bengal
Committee for Civil Liberties and Democratic Rights, CCLDR, Goa
Committee for the Protection of Democratic Rights, CPDR, Bombay
Lokshahi Hakk Sanghatana, LHS, Bombay
Manab Adhikar Sangram Samiti, MASS, Assam
Organisation for the Protection of Democratic Rights, OPDR, Andhra Pradesh and Kerala
Peoples Rights Organisation, PRO, Delhi
People's Union for Civil Liberties, PUCL, National, Tamil Nadu, Gujarat and Delhi
People's Union for Democratic Rights, PUDR, Delhi