

**Repression of Democratic Freedom  
and  
The Trade Union Movement**

**Unity · Democracy · Militancy**



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## **Repression of Democratic Freedoms and the Trade Union Movement**

The workshop will attempt to bring together different forms of attacks on democracy and peoples' rights in different contexts. They will include experiences from Kashmir, Manipur, Orissa and Gujarat. The attempt will be to bring out linkages between state policy and state repression as anti-people, and pro-capital and emphasis on the intensification of repression under globalisation.

The capacity of any society to allow and accommodate organisation of dissent is fundamental for a vibrant trade union movement. If the trade union movement did not support, sustain and expand this democratisation, their own right to organise and collective bargaining would be threatened. This is already evident in the attack on trade unions' right to strike, within the country, and across the globe. The erosion of trade union rights is almost always preceded by, or at least linked to, emergence and domination of political trend that reverses this democratisation process by destroying the democratic capacity of the society.

Any threat to democracy and disruption of social life first affects workers and their livelihood. This also in the long run adversely affects their ability to stand up to capital and the state, and to bargain for more just terms of engagement with capital.

Threats to democracy are also threats to solidarity of the working class, for it opens up and deepens the inequality within the working class. It allows capital to weaken the strength of the working class movement. It helps the state to contain and destroy political dissent. The unions' struggle for democratisation is essentially a struggle to win for newer sections of working class equal political and social rights within a national framework.

# All Jammu & Kashmir Trade Union Centre

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REPRESENTATIVE ORGANIZATION OF GOVERNMENT EMPLOYEES, TEACHERS WORKERS OF THE PUBLIC SECTOR  
UNDERTAKINGS, AUTONOMOUS BODIES & PRIVATE SECTOR EMPLOYEES OF JAMMU AND KASHMIR STATE

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### **Paper presented by the J&K Trade Union Centre at the NTUI workshop titled “Repression of Democratic Freedoms and the Trade Union Movement” India Social Forum 2006; 9 – 13 November, New Delhi**

The Jammu and Kashmir Trade Union Centre (originally registered as the J&K Low paid Govt. Employees Federation) came into being in the year 1964 in defense of four lakh government employees. These include teachers and workers of Jammu and Kashmir Government and public sector undertakings including essential services and pensioners.

The cadre and the leadership reshaped and restructured the state level trade union movement from the grass root level in all the three regions of the state. Massive mobilisation was done by holding rally's, *dharnas*, hunger strikes and district level conferences. This collective struggle ultimately culminated in an indefinite strike in December 1967, which happened for the first time in the history of Jammu and Kashmir.

The State Government resorted to ruthless repression by detaining hundreds of activists. There were 17 dismissals under Article 311/C of the Indian Constitution. Many trade union activists faced punitive measures like suspensions, transfers, attachment of properties, fines and police repression at interrogation centres. The leadership and the rank and file stood firm during detention. The leadership was released in the year 1969 and the trade union movement again became very active and fearlessly fought against the mechanism of outdated and reactionary bureaucracy.

The trade union movement had massive support of educated youth and the unemployed, intelligentsia. From 1969 to 1975 successful state level strikes were organised by the union cadre, which changed the course of the mass movement into a progressive radical left movement. The employees' movement received tremendous support in struggles launched since 1967 till date and, timely guidance through all India level protest meetings held against the repression on the trade union movement in Jammu and Kashmir by all the major trade unions of India.

The dark era of emergency from 1975 to 1977 critically targeted the leaders of JKTUC. The entire leadership, activists, rank and file members, leadership of unions, and associations, and district committees were also detained in the jails of state. Hundreds of employees were put behind the bars and dismissed from services and tortured at interrogation centres during the Emergency.

Soon, after lifting of Emergency in the year 1977, the J&K employees fought countless battles in the shape of strikes, *gheraos*, mammoth rallies and gate demonstrations against the state. The movement earned massive support from the working class of India. The All India State Government Employees Federation, All India Confederation of Central Government Employees and Workers, C.I.T.U, A.I.T.U.C, H.M.K.P and H.M.S., came out in defense of our legitimate demands and human rights violations.

In the second half of the 1980s, Kashmir turned into a police state under the rule of the repressive regime installed by New Delhi. Basic human rights were denied to the people of Kashmir. It caused alienation at the root and there was no accountability and security forces from 1990 till date ruled Kashmir. Corruption, false interpolation of official records and abject opportunism became acceptable norms. Kashmir rose in rebellion in 1990. This was an unimaginable and unacceptable spectacle for Indian policy makers. Truth was mercilessly gagged in Kashmir. The perpetrators of this sacrilege have paid heavily for their sins and crimes. The Kashmir dispute calls for an urgent attention. None can run a way from the ground realities.

The recent meeting in September 2006 on the sidelines of Havana N.A.M Conference between the Heads of Government of India and Pakistan Dr. Manmohan Singh and Mr. Pervez Musharraf has sent a positive message throughout the world for a solution of the Kashmir issue which has reached on a table and to be followed by meetings of two foreign ministers of India and Pakistan, people to people contacts and recent announcement of allowing travel on the Srinagar – Muzaffarabad bus service without passports and visas in order to allow meeting of people living in two parts of Kashmir after a gap of 57 years.

The J&K Trade Union Centre upholds the ideological proposition, which firmly believes that "neither military repression nor forced election will bring peace and tranquility to Kashmir". Peace can only be achieved when India and Pakistan respect the wishes of the people of Jammu and Kashmir. Invariably the power yielding elite of New Delhi has always veered around the idea that political power has to be exercised through ruthless suppression of democratic aspiration of Kashmiri's. Behind the tale of extremities lies the truth of everyday humiliation of untold miseries. Dehumanising forces of state repression are deep rooted in the interior villages of Kashmir; these hardly get reported in the media.

Since 1990, over 70,000 people have martyred in Jammu and Kashmir. Innumerable children have been orphaned, women have become widows, heinous crimes have been committed, women have been raped, thousands disabled through zero degree

interrogation and thousands have become psychiatric patients. The “catch and kill” policy of the State continues till date.

Lakhs of Kashmiri *pundits* have been uprooted from their home by a well-designed criminal conspiracy hatched by Jagmohan during his tenure (January – May 1990) as Governor of Jammu and Kashmir State. Kashmir has been turned into a land of graveyards. The Indian security forces are writing a book of terror with the blood of innocent Kashmiri’s whose foreword was written by that butcher otherwise known as Jagmohan.

During the last 16 years, from 1990 till date, half a million working people of Jammu and Kashmir have organised state level strikes, breaking world record of strikes. They have done this with determination, courage and zeal for a peaceful solution of a 60 years long outstanding issue and as a protest against the on-going gross human rights violation by security forces, task forces and mercenaries.

### **Repression of the working class in Jammu and Kashmir**

These consistent protests have resulted in 683 dismissals of government employees, teachers and workers besides daily wagers from government services.

Government employees, teachers and workers resorted to a 72 days long drawn indefinite strike in 1990. From the Civil Secretariat down to a block and including essential services, there was detention of 24,000 employees - teachers, workers and daily wagers from 6 months to six years from 1990 to 2006.

400 employees - teachers and workers were brutally killed by security forces and unidentified gunmen.

300 employees have disappeared. Hundreds have been tortured in interrogation centres, there have been thousands of detentions, there have been many unjustified crackdowns, property has been burnt down and families of government employees have been tortured.

Again in the year 1991, a 42-day strike was successfully organised by the state employees in Jammu and Kashmir.

In 1995 state employees and worker again conducted a 23 days *hartal*. Then in 1999 a 42 days strike was done. In 2004, there was a 5 days strike for legitimate cause of employees of the state. The leadership did not budge despite repression on the striking employees.

### **The Perspective and Position of the JKTUC**

The Kashmiri people stood united behind the long drawn strikes and *hartals*, which were against human rights violations and innocent killings by security forces and also called for a final settlement of the Kashmir dispute between the two sovereign countries as per aspirations of the people of Jammu and Kashmir. The trade union movement during the last four decades played a historical role in consonance with the aspirations of the people

of the land in seeking a peaceful settlement of the Kashmir dispute. The J&K Trade Union centre stands for people to people harmonious relations in general and in solidarity with the progressive trade union movement of India and Pakistan in particular.

The J&K Trade Union Centre has since been steady developing its base and has made some significant progress towards accomplishing its goals of building a more effective trade union centre to meet the challenges of the offensive against the working class against capitalist globalisation and forming a centre that gives space for co-existence of multiple progressive political tendencies. It is also a forum for the major left democratic and secular trade union movement and to the working class policies. The idea of an initiative has to be a core principle of unity of workers into a single platform in order to resist different forms of attack on democracy and peoples right in different context as has been experienced in Kashmir. The state policy and state repression as anti people and pro-capital.

The importance of the struggle for democracy for the trade union movement is a core issue for us. The capacity of any society to allow and accommodate organisation of dissent is a formidable and a vibrant trade union movement.

If the trade union movement does not support, sustain, and expand the democratisation, there own right to organise for collective bargaining would be threatened. This is already evident in the attack on trade union rights to strike within state and across the globe. The threat to democracy and disruption of social life first affects workers and their livelihood. We believe that in the current context of globalisation. It is necessary to go beyond boundaries and seek to deepen international solidarity and alliance of labour movement that enables and promotes initiatives and autonomy at all levels of organisation to respond to the needs of working class movement. The strength of working class movement; we believe is build on solidarity, respect and democratic ethos amongst workers, their organisations, and concerned for the well being of all humanity and independence from Government, the Employers and Political parties.

We believe that the unity of trade unions can be achieved if all progressive trade unions shed their prejudices and sectarianism and take concrete steps to return to a single platform.

In the past trade union became platforms of political parties and lost their character as workers organisations. They came to be reduced, as splits took place in political parties; this brought immense damage to working class unity. Divisions and rivalry among unions weakened the movement.

Today, even the relevance of trade unions is being questioned. Taking advantage of the divisions among the trade unions, the government has started ignoring the genuine issues of working class. Trade unions no longer have space in the formulation of labour policies.

SAMPAT PRAKASH, Chairman



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**Press Release: New Delhi (10 June 2006):**

### **Revival of union movement in Kashmir**

NTUI is aware that building unions and sustaining them to defend the interest of workers in a situation of political instability, long period of repression and armed conflict, is extremely difficult. Such situations pulverize people into terror, bring loss of hope, and undermine respect for human dignity and social cohesion.

It requires extreme courage, conviction of values and faith in human goodness to sustain trade union organisation and defend the political and economic interest of workers. The All Jammu & Kashmir Trade Union Center exemplifies all these and has made the trade union movement proud by its will to exist and fight. NTUI salutes all comrades who have faced long detentions, dismissals, terminations, reprisals and humiliations for their Kashmiri identity and did not let it break their will and determination to sustain a secular and democratic union movement. It is our commitment to bring this history into the open and make it a part of the human right and trade union discourse.

### **Unions grow in a democratic and secular society**

We believe that trade unions can develop, labour rights can be ensured and the future of working people opened up only in a situation where the:

- Regime of repression is eliminated
- Political settlement of issues will allow the Kashmiri society to return to peace and civil life
- Democratic and secular framework is established to enable working people to express and organise themselves to shape their life, society and economy.

NTUI is committed to building these conditions in Kashmir

### **NTUI demands clear policy and sincere negotiations on Kashmir**

The aspirations and demands of the people require political settlement that is guided by well established and widely accepted international principles and practice. It will require dialogue with all sections of people and political viewpoints and negotiation, both multilaterally and bilaterally, with all political forces of significance, in a manner that ensure self respect and mutuality of negotiating partners.

NTUI demands that the Government undertake this process with sincerity and purpose that address the core political issue of democratic aspirations of the people of Kashmir. The historical legacy of the issue has made it the core issue of contention, and even war, between India and Pakistan. For people of South Asia, this has become a major factor

impeding the development of regional democratic framework and institutions to contend against globalisation and make it region of growth and co-prosperity. It is a geo-political realism to expect and assume that the settlement of Kashmir issue will require the support and sanction of Government of India and Pakistan.

**Unions becoming the voice of Kashmiri people**

The NTUI welcomes the opening up of discussion between India and Pakistan and the exchange of ideas and concepts beyond the traditional rigid positions. Still, the political will is inadequate to go for a breakthrough. NTUI believes that it is historic responsibility of the trade union movement in India and Pakistan to publicly debate the issues and create a political constituency for a solution. This is our true solidarity with the working people of Kashmir.

For us, it is a step towards rebuilding the trade union movement in a region with the world's largest section of working poor. The political and diplomatic resolution will bring peace in the subcontinent. But more than that, it will pave the way for unity of South Asian peoples and nations to struggle against imperialist globalisation.

NTUI calls upon all unions and democratic people to build a campaign for political settlement of Kashmir issue and support its affiliate, All Jammu and Kashmir Trade Union Center, in its struggle for workers right, for a democracy and secularism and for political settlement of Kashmir.

Ashim Roy  
General Secretary, NTUI



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**Petition to the President of India for granting clemency to  
Mohammad Afzal Guru**

2 November 2006

Prof. A. P. J. Abdul Kalam  
Hon'ble President of India  
Rashtrapati Bhawan  
New Delhi-110001

Dear Mr. President,

The democratic rights of the peoples of Jammu and Kashmir have been undermined through both terrorism and the deployment of armed forces for over two-decades.

All threats to democracy and disruption of social life first affect workers and their livelihood. The people of this region, the world's largest section of working poor, have been victims of violations of democratic rights.

Democratic tradition in India takes pride in the fact that presidential pardon is a part of our constitution and an integral part of our criminal justice system. We recognise that the legal effect of the pardon is not a judicial suppression of the sentence but an exercise of power in the interest of society.

We recognise the steps taken by the UPA government and hope that this will advance a peaceful resolution to the Kashmir problem.

NTUI believes that the case of Mohammad Afzal Guru is a proper and fit case for the exercise of such power of clemency as it is in the interest of society.

The Kashmir issue has been the core political problem that has given genesis to prejudices, contention, terrorism and war both open and covert. The people of India are also paying an increasingly heavy price for this. It also undermines the development of a South Asia identity and regionalism that enables a peaceful nation building process in the region and their co-operation; a condition for security and prosperity of people in India and the region.

The NTUI believes that the issue of clemency has to be viewed in relation to the peaceful resolution of this issue. And on evaluation within such a framework it is in the interest of the people of India.

Firstly, the sentence of Mohammad Afzal Guru has failed to make the cardinal distinction between the direct perpetrator of crime and indirect collaboration. Secondly, the conviction of Mohammad Afzal Guru as a conspirator is based only on weak circumstantial evidence, and thirdly, the evidential value of the circumstantial evidence is not at par with universal norms when the principal circumstantial evidence is based on the confessional statement, extracted under a repressive regime and of an accused who is a surrendered militant reporting to the police.

Not only is justice wanting and inadequate in the Supreme Court judgment but also perceived as such by the people of the Kashmir valley and also people who take pride in the democratic values of our institutions.

The death sentence of Mohammad Afzal Guru will have far-reaching consequences for the secular fabric of the country, the peace process in Kashmir, and the ability to address concerns of terrorism in the country. A single death sentence could potentially undermine all efforts to creating conditions for lasting peace in Kashmir.

We oppose the use of terror and believe that there must be adequate punishment of the guilty, as established by due process of law. At the same time we are opposed to death penalty, as it does not amount to justice in a civilised humane society. There is also no evidence to suggest that death penalty serves as a deterrent to heinous crimes and terrorism.

We appeal to the President of the Republic to grant clemency to Mohammad Afzal Guru.

Yours sincerely,

Ashim Roy  
General Secretary

New Delhi  
2 November 2006