

# STANDING UP TO THE STATE

G.S. VASY interviews Dr. K. Balagopal  
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**T**HE symptoms were there all along; only, the kidnapping of civil rights activist, Dr. Balagopal, shocked the pieces into place and a pattern emerged.

Civil rights organisations have been under attack for quite some time culminating in the recent abduction of Dr. Balagopal whose Andhra Pradesh Civil Liberties Committee (APCLC) has been leading the struggle to save civil liberties and democratic rights in the state. Activists of the APCLC have been arrested, tortured and killed.

A few instances: Dr. Ramatham of Warangal was shot dead by the police on September 3, 1985. Gopi Rajanna, another office-bearer of the APCLC, was shot dead the same year. The following year, Japa Laxma Reddy, a state executive member of the APCLC, was murdered in his own home.

Dr. Balagopal, who holds a doctorate in mathematics, was a senior research fellow at the Indian Statistical Institute and taught mathematics at Kakatiya University, Warangal for two years. He became the general secretary of APCLC in 1983 and since then has personally investigated several cases of police atrocities in the state.

Excerpts from an interview with Dr. Balagopal:

**How do you assess the civil rights situation in the country and in Andhra Pradesh in particular in the light of your kidnapping?**

It is possible to write a whole essay in answer to the question. It is also possible to give a brief reply emphasising the worst aspect of the situation as revealed by my kidnapping. The situation is the creation of a subterranean outfit armed with immunity from the law as well as public opinion. In NTR's Andhra Pradesh, it is the Special Task Force which has done away with scores of young men, and has kidnapped me. In Punjab, it is an outfit referred to as "Buta Singh's terrorists," half in humour and half in despair. This phenomenon is growing all over the country. The acknowledged machinery of suppression, the civil and the armed police, are

accountable in some measure to the law and to the public. For a long while, the Indian State depended upon this machinery to suppress dissent and protest. The accountability was gradually eroded to suit this purpose. But, there are limits beyond which the licence cannot go so long as the force sports the insignia of legitimate authority. And, therefore, as the crisis in the polity mounts, the state finds that machinery more and more inadequate for its purposes.

So, it has started creating an 'underground' police force. This force represents raw might unchecked by any of the limitations of a democratic polity. It is armed with sophisticated weapons, anonymity, officially sanctioned hide-outs for torture, murder, liberal grant of funds and the use of the infrastructure of the official police and immunity from prosecution.

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and it is a measure of the fragility of civil rights in the country. We seem to be on the verge of the creation of an Indian Gestapo and NTR wants it as much as Rajiv Gandhi.

**You were released because of a nation-wide protest and condemnation. But, what do you think would be the fate of a relatively unknown person if he is subjected to a similar action?**

It is a frightening thought. Even in protest we have a strong

element of elitism. I am not talking of one's contribution to the democratic movement, which may be a legitimate criterion up to a point. But, we have a thoroughly illegitimate elitism; I can speak and write English, I hold a doctorate in mathematics, my grandfather was an eminent scholar, I am a brahmin -- all these things count. A poor peasant activist who has none of these advantages can generate little protest to save his or her life. Literally hundreds of such

persons have died in police custody after prolonged torture and the world has remained a silent spectator. A timely protest from the articulate public would have saved their lives, but beyond a statement or two issued by some civil liberties organisations, there is usually no protest at all.

**How can you say that your kidnapping was engineered by the police? Do you feel that the rule of law is being given a go-by?**

It is surprising how brazenly they all lied. It is inconceivable that a handful of police constables at Khammam would have taken the initiative on their own. There is little doubt that senior police officers were involved in the decision, and that they had the consent of the state government. In any case, they are all well aware that those who kidnapped me belonged to the Special Task Force of the state police. And yet, they -- the DGP and the Home Minister -- lied.

They pretended to believe that the outfit called 'Prajabandhu' that claimed to have kidnapped me had nothing to do with the police and that it had sprung into existence overnight, complete with jeeps, telephones, detention chambers and perfect training in the art of holding people hostage, not in some obscure jungle but right under the nose of the police in a district headquarters town like Khammam.

As for rule of law, that is a concept that very few of those who rule this country comprehend and those who comprehend it have little respect for it. Only the forms of arbitrariness and official terrorism have changed over the years.

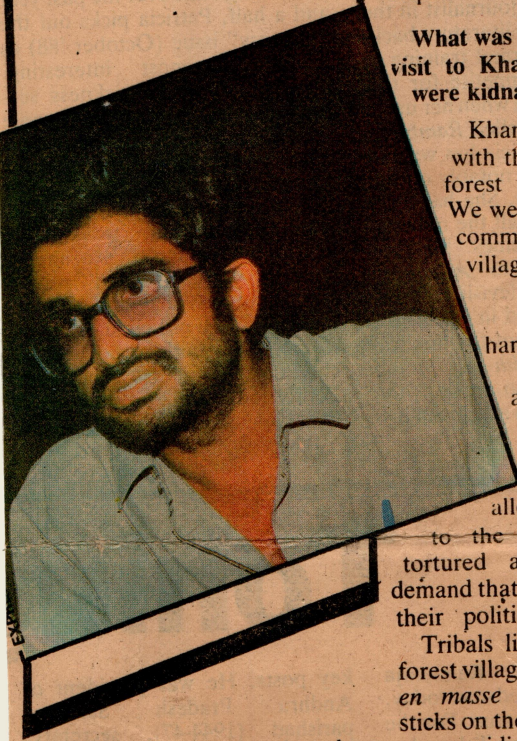
**Do you think your kidnapping is symptomatic of the increasing fascism in the state machinery with the legislature and judiciary taking a back seat and a small coterie of executives and salaried bureaucrats taking over the functions in the government?**

It is not the legislature and judiciary, but the concepts of legality and justice that have taken a back seat. Minus these concepts, the legislature and judiciary are also contributing their mite to developing fascism.

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Anti-democratic values have become pervasive in all wings of the government. Today it is very difficult to get from the courts the kind of judgments that gave rise to the concept of judicial activism a decade ago. Ten years after the Maneka Gandhi judgment, an enactment like the Sup-

pression of Disturbances Act continues to thrive; and nobody is willing to even hope that the Supreme Court is going to hold TADA *ultra vires* in spite of all that is obnoxious about it.

**How justifiable, in the light of revolutionary strategy, do you think are Naxalite activities like holding people hostage or killing?**

It is a very difficult question to answer for a civil liberties activist. However, it is instructive to look at the demands for which the Naxalites are holding people hostage, and have even killed one TDP mandal president; order an enquiry into the disappearance of persons abducted by the police; rebuild martyrs' memorials destroyed by the police; produce an arrested person in court; order a judicial inquiry into 'encounter' killings etc. These are things which any lawful government should itself undertake as a matter of course. We should ponder a little how things have come to such a pass that a political group takes recourse -- rightly or wrongly -- to actions like holding people hostage and even killing them in order to achieve their demands. If the government has any respect for its lawful obligations, it would not leave any scope for any political group to claim legitimacy for acts of kidnapping and killing for achieving such simple demands.

**What was the purpose of your visit to Khammam where you were kidnapped?**

Khammam is the district with the largest area of forest in Andhra Pradesh. We went on a fact-finding committee to the forest villages of five revenue mandals where the police have been harassing and torturing people with the allegation that they are harbouring CPI-ML activists. Elected sarpanches allegedly sympathetic to the CPI-ML are being tortured and jailed with the demand that they should disown their political allegiance.

Tribals living in the interior forest villages are being grouped *en masse* and thrashed with sticks on the allegation that they are providing food to Naxalites. About half a dozen people have been jailed under TADA. The remarkable fact is that there has been no incident of violence in this area; what the police are doing is a purely political job of destroying the mass base of the CPI-ML.