

CASTE AND CIVIL RIGHTS MOVEMENT

(Speech at a meeting organised by People's Democratic Front (PDF) in Bangalore on 9 May, 1996)

*K. Balagopal
9 May 1996*

I am asked to speak on caste as a civil rights issue or caste and civil rights. I am general secretary of Andhra Pradesh Civil Liberties Committee and APCLC is an organization which in its manifesto, in its aims and objects has included as one of the major areas of activity, opposition to caste domination. Not just doing fact finding when Dalits are assaulted by upper caste persons or trying to get cases filed and so on, but taking up the issue of caste itself as a Civil Rights question which takes us well beyond merely opposing atrocities on Dalits.

Now this understanding is not something that APCLC had from the beginning. Our organization took form in 1973 and in our initial manifesto our framework did not really include caste or patriarchy or secularism, such notions, as part of our concern. It was only in the course of activity, in the course of experience, especially in the course of reacting to and responding to situations as well as questions which come up from society when you are talking of Civil Rights, that we gradually expanded our activity and understanding. And it was eighteen years after the organization was born, in 1991, that in our general body we discussed and amended our constitution and included one clause that we will regard caste both as a social system and as a culture, as by itself and in itself a Civil Rights problem.

That is the very existence of caste as a system and as a culture is a denial of democratic rights, civil rights, and we will take it into our domain of functioning. That is whatever we have been doing, whatever framework of activity we have when we talk of State violence, when we talk of undemocratic legislation like TADA or NSA, when we talk of industrial pollution and so on, within that framework and with those aims, we will also try to function towards the ultimate goal of annihilation of caste. I think when we try to elucidate this, try to give this content -- I will do this both from the point of view of the concrete experience of the APCLC and from a more general viewpoint.

There is no point in merely discussing this abstractly. In particular, why is that a large number of Civil Rights organizations in India even today do not regard caste as a Civil Rights issue? Many of them are very uncomfortable when we say that APCLC is taking this up. As far as investigating atrocities on Dalits

is concerned, I think most people have been taking it up as an activity. But going beyond that and considering caste itself as a Human Rights problem is something that we find many civil rights organizations are not willing to do. And they feel quite uncomfortable. In fact I had a strange experience in the beginning, a peculiar experience. When one starts looking at caste as a social institution, and its impact on all other social institutions, how it perverts the democratic content of every institution, one develops a certain way of looking at things. I was in Calcutta once as a guest of the local civil rights organization, the APDR, and they had a case going on in the High Court. So I just went there and I was sitting with them. They were complaining about the judge. The case was about the custodial killing of a rickshaw puller or somebody and they were just commenting that the judge is a little negative, not very sensitive and so on. We were sitting behind. I casually asked the secretary of that organization: what is the judge's caste? I thought it was relevant. When he is saying that the judge is prejudiced, has a negative attitude, I thought it was relevant. But that friend got very upset. He said why do you ask the caste of the judge? He is a judge, he doesn't have a caste. He is a judge O.K, but he does have a caste. He is both, whatever he is. That man refused to even answer what could be the caste of the judge which one can easily guess from the name and all that if one is a local person.

One has to understand why this is so? Why is there this kind of a resistance? I think one has to go into the background of the present Civil Rights movement in India also. The existing Civil Rights organizations and movements in India I think had their origin in two kinds of political contexts which developed in the early 1970s. By about late 60s, 70s, I think a general disillusionment with the establishment politics identified with Congress party had come up in the country and all kinds of alternatives were coming forward. And within this context, though there were plenty of attempts prior to that to form Civil Rights organizations; especially whenever the communist party was subjected to repression, it floated Civil Rights forums which existed so long as the repression was there and then they closed down. This happened very frequently. Similarly, every political formation which faced repression formed a Civil Rights organization of its own. There was a Hindu Civil Rights union in Hyderabad when the Razakaar attacks on not only Hindus but also those Muslims who differed from the Nizam of Hyderabad, when they were going on, the Arya Samaj established a Hindu Civil Rights Organization in Hyderabad. Subsequently it became defunct after Hyderabad became part of India. Such efforts were there. But after 1970, a series of Civil Rights organisations came up which have all practically continued to this day. And for this history there are two political contexts. One is the Bihar movement of students and youth led by or guided by Jayaprakash Narayan against Mrs. Gandhi's corruption, despotism

and her henchmen in Bihar and so on. That movement was suppressed very violently by Congress governments. I think 200 to 300 students and youth died in police fire in a short period in Bihar towns. That was the context in which..., I mean the leader or the guiding light of that movement was Jayaprakash Narayan, and justice Tarkunde has always been close to Jayaprakash Narayan. That was the context in which justice Tarkunde came forward and gave a call for creating a Civil Rights movement.

That is that when students and youth come into the streets to fight corrupt and despotic governments, they react by sending the paramilitary and shooting them down and so on and various oppressive legislation are also used. And that was the genesis of what is today PUCL, People's Union for Civil Liberties. I think 1974 was the year the organization took birth. Its political context was the JP led movement in Bihar and partly Gujarat and the concerns it gave rise to in terms of Civil Rights. The movement itself was a wider political movement as part of a search for an alternative to the Congress party. But the suppression it was subjected to gave rise to a strong civil rights concern led by Mr Tarkunde and then the PUCL was born and of course afterwards it has taken up a wide range of issues. This is one political context.

The other political context is of course the Naxalite uprising which began in Bengal, spread to Bihar and Andhra Pradesh. And the response of the governments was not to answer the social, economic questions raised by that movement, not to remedy the social and economic situations pointed out by that movement but to suppress. Encounters have been continuing; even today they continue in Andhra and also in Bihar. And Preventive Detention laws were used very extensively. The criminal conspiracy sections of the Indian criminal law were extensively misused in the context of the Naxalite movement. All political activity, any meeting like this could be called a criminal conspiracy to overthrow the State, and all people present could be booked and put inside jail. This again gave rise to a Civil Rights concern. That in dealing with this political movement, armed struggle with the aims of the communist theory, the State was using thoroughly undemocratic methods, extra-judicial execution, what used to be called black laws and so on. This gave rise to a Civil Rights concern. So in West Bengal and Andhra Pradesh Civil Rights organizations were found, APCLC was part of them. Subsequently, as time progressed other organizations also took shape in other parts of the country.

These two streams which have led to the present Civil Rights movement in India, they have a philosophical and ideological background. The first one may loosely be called liberal democracy though it's difficult to pinpoint to Jayaprakash Narayan and Tarkunde's outlook as such and such a strain of

liberal democracy, but basically it's within a broad framework which one may call liberal democracy. The second is the Marxist framework. Now both these frameworks have their specific points and perhaps specific limitations also. Because of the nature of these frameworks, the Civil Rights movement took up certain concerns as basic concerns, certain concerns as secondary concerns, certain as not concerns at all. That's how it came about.

When we look back at our organisation's original manifesto: what is that was defined as Civil Rights issue? Or what is it that was identified as the context from which a Civil Rights problem would arise? That was suppression of workers and peasants by the State, by the capitalists and by the landlords. This is the framework which was laid down for identifying Civil Rights problems in APCLC's original manifesto. So you have workers and peasants identified as economic categories, class categories, their aspirations, their assertions suppressed by capitalists, landlords and the State. And from this a variety of Civil Rights problems arise and we had about an eight point statement of aims and objects for APCLC within this context which clearly comes from a Marxist concept. Similarly PUCL. I have not seen their manifesto, but if one goes through their initial activity, not subsequent or present activity but initial activity, it was concerned with institutions of parliamentary democracy, judiciary, lawlessness of the police force. Again many of these concerns may become partly the concerns of the framework within which APCLC and APDR and OPDR and other organizations took birth. But this was a slightly different kind of a thing. Now what is remarkable is that neither of these frameworks had a place for caste as a basic Civil Rights issue. There is no reason at all why the Civil Rights movement in India should have taken birth only this way. It could have happened differently, it so happened like this. It so happened that these were the contexts which gave rise to the Civil Rights concern in India. Though much before this certain basic concepts which I think today at least APCLC accepts, and many people would accept, were formulated by for instance Ambedkar, when he was talking of democracy. One point he would repeatedly say is that so long as caste is there, there cannot be democracy. When caste is there, a society which is ridden by caste can never become a democratic society.

Now this could have been the starting point of a Civil Rights movement. It did not happen for a variety of reasons. I am sure, one important reason is that, it was the upper caste persons, upper caste liberal democratic minded progressive people who were the first persons to initiate the Civil Rights Movement and none of them had experienced either untouchability or any kind of caste oppression and none of them had direct contacts, a direct sympathy, ideological, political sympathy with anti-caste movements, like the Republican Party of India and so on. And therefore the Civil Rights Movement that they

created took shape within different frameworks. Though those frameworks also had their own history and their own logic and that logic for a variety of reasons did not have a place for caste as a Civil Rights issue. That's how things were. But then when you get into the issue, you start asking yourself why you are opposing..., for instance State violence is something that is very commonly taken up as a major issue by Civil Rights organizations. But why do we oppose State violence? Why do we oppose undemocratic legislation? Why do we oppose this, this and this, when we take up these issues? These things gradually throw up a lot of questions. If you give one answer to a question and that answer has logical implications which go beyond itself, beyond the answer that you have given, you are forced also to take into consideration all those logical implications. We would be frequently asked – at the time I was new to APCLC, people used to ask often, is not untouchability a major Civil Rights issue, why is it not there in your manifesto? After all what does untouchability do? What does caste in general do? It denies civic status, and civic status is the beginning of Civil Rights. If you talk of policemen torturing somebody in a police station, you are presuming a subject who has civic status. Somebody who has been tortured is a person who already possesses the status of a civilian. Somebody who is being arrested under National Security Act already possesses a status of a civilian.

That civic status is presumed whenever we talk about civil liberties. But caste is something which by its very nature denies civic status itself, that you are not an equal citizen, your civil status is half of mine, it is one part of mine, it is one tenth of mine. With this kind of a system how is it that your Civil Rights concern does not take up caste itself as a Civil Rights issue? This is a question that frequently used to be asked by persons from an Ambedkarite viewpoint and many of us would feel uncomfortable, because some answer has to be given, and within the framework which we were accustomed, we would say that these are not questions which a civil rights movement can answer, only a social transformation can bring about the changes and we will help to protect the rights of those who are fighting for social transformation. This was the standard answer that we used to give in the beginning. That only a social transformation can get rid of caste; we cannot do anything to get rid of caste. And therefore our task is to see that those who are fighting for social transformation, their political rights are protected and that becomes the Civil Rights cause; this is the answer we frequently used to give. But then it was not a really satisfactory answer, partly because when we talk about say encounters or lock-up deaths, we are not able to put an end to either encounters or lock-up deaths. In a sense that is also not part of something that can be achieved by the Civil Rights movement, but still we are doing it. Why are we doing it? When we take up any Civil Rights issue, it has never been the understanding of the Civil Rights

movement that we can find a solution to the issue. All that we have been able to do is to create awareness about it, to create a democratic critique about it, to give confidence, purpose to people to fight, and if possible to create institutions and institutional culture which will mitigate the evils of those undemocratic institutions and oppression. This is all that the Civil Rights movement has been able to do in any context. So why can't it do the same thing also about caste, instead of saying that only social transformation will get rid of caste and in the meantime we will only talk about State violence.

Even State violence we can't get rid off. But still why are you talking about it? This was the debate that we used to frequently have. By campaigning against untouchability we are not going to get rid off untouchability, that's quite true. But by campaigning against encounters we are not able to get rid of encounters. What have we been able to do? There are a few things we have been able to do. One is to create awareness that extra judicial killing cannot be permitted in a civilized society. Whatever crime somebody has committed, he has to be tried according to law, cannot be taken away and shot dead. This is an awareness we have been able to create. We have also been able to create a certain amount of confidence in people, that this is right what we are saying and we should stand up for it. It is something that we ought to stand up for, that confidence we have been able to create or we can create. We can also try to create a general democratic critique of police excesses which we have been able to do and also finally to create the institutions, institutional cultures, to improve institutions. Like for instance when we function in courts----using a court for Civil Liberties purpose also improves the courts and makes it more of a Civil Rights forum, one percent or two percent or five percent. If this is the activity that we are able to do about State violence why cannot we do the same thing about the variety of other Civil Rights issues which come up. This was the debate that we had. Today, I am able to formulate it or express it so clearly, it was never so clear in the beginning. Gradually it came up. And when from this point of view if one looks back at what Ambedkar said, that when a society...., what is remarkable about Hindu society is, not that it is stratified, all societies are stratified, of course, it is stratified much more absolutely than other societies. But I think the most significant part of Hinduism is that whereas every religion has sanctioned inequality by various means, by giving it various explanations, various ideological explanations, Hinduism alone has said God himself has created inequality, you can't do anything about it. No other religion has said that God himself has created people unequal. They have defended inequality by various other means, by various mechanisms and devices. Hinduism alone says, or makes God himself say in the Bhagavad-Gita that I had created people unequal, there is nothing else you can do it. After all, the role that an ideal modern liberal society, the constitution and law has to play in

medieval society, God plays. And if God himself declares that people are unequal by birth, by creation, by the will of God, now that acts as a very powerful justification, it gets into the minds of people and acts as a very powerful justification for inequality. And this denial of civic status as a fundamental thing is a very remarkable quality of Hinduism. And today I think that any Civil Rights concern in India should start with this. It can go to other things subsequently, because after all historically the first Civil Rights question which came up, at least after civilized society took birth in India, is the question of caste. Subsequently we got a modern State and after the Britishers came and therefore we have the problems of modern State's authoritarianism which is common with western countries and other countries. Then also we have the development of capitalism which creates the problems of labour, economic exploitation and deprivation of livelihood to people that leads to other problems. But in this country lack of democracy began with caste and patriarchy which is part of the same development. In fact in Hindu society it is difficult to divide patriarchy from caste because if you look at the Dharma Shastras the two are totally intertwined. It is very difficult to talk about the domination of men over women without bringing caste into the question, and its very difficult to talk about caste without bringing domination of men over women into the question, the two are intertwined. So I think today that if one is to talk of a Civil Rights concern in India it should begin with Brahminical Hinduism, and the context it has defined. This is the point Ambedkar made long ago and it is quite true that it has remained outside the understanding of the Civil Rights movement, definitely for the reason that all of us are people from the upper castes, those of us who came into the movement in the beginning. Its only today that Backward Caste and Dalit intellectuals are coming forward into the Civil Rights movement. That's a process.

When one looks at it this way, a society which denies civic status as a matter of theory, as a matter of principle, as a matter of philosophy, as a matter of religion, such a society can never become democratic. As our friend was saying, such a society can never become democratic until that division is annihilated, until that division is completely got rid off. This is some thing which I think has to become central to the understanding of the task of the Civil Rights movement. The task of the Civil Rights movement cannot be reduced to only fighting State violence so that those political parties or organizations which want to fight for a better society are enabled to do so. That's fine. Those who want to fight for a better society, must have political rights and we must defend their political rights. But that cannot be the only task of the Civil Rights movement as today at least as APCLC understands, that we have a broader framework for ourselves. And that task is to define democracy not merely in terms of police and police misbehaviour and police atrocities but to define

democracy widely -- political, administrative, social, economic, familial, define it widely and try to build ideas about democracy, a democratic critic of existing institutions and cultures, the will power, the self confidence and the courage required to fight these things, and the institutions and institutional culture, institutional norms which may be able to either overcome these things or to mitigate these things. This can be the framework of the Civil Rights movement. And when one understands things this way, taking democracy understood social, political, administrative, economic and so on as the framework, Caste becomes a very important part of the understanding of the Civil Rights issue. And the fight against caste even from the Civil Rights point of view, even from the civil rights point of view the agitation or fight against caste acquires many dimensions other than merely opposing atrocities on Dalits. Atrocities on Dalits is I think something that as far as I know, all Civil Rights organizations in India are investigating, trying to get cases booked and trying to help the victims. That's fine. But then if you understand caste itself as a central Civil Rights question as one ought to, the concern has to go beyond it.

A few I would like to indicate so that hopefully in future you will be able to take up these issues. But I would like to tell the history of our own realization of these issues, because we didn't realize it so very fast. For a long time we were concerned, a volume of APCLC's initial reports is here, some copies have been sent to PDF also. If you look at that volume, until 1985 or 84 we were concerned with a single point agenda that was that the communist revolutionaries are fighting for social transformation and their rights are being suppressed. They are being killed in fake encounters, arrested, charged with false cases, conspiracy cases and so on and we were agitating about that. That used to be our framework. We would never talk about other undemocratic aspects of public life or private life in our society. We would regard that as something which has to be achieved after the revolution comes and in the meantime we will fight for the rights of revolutionaries. We never wrote it down this way, but that was the understanding that we commonly had. But then gradually issues came up and we had to face and answer those issues. And our own understanding developed.

I think the starting point was the massacre of Dalits in Karamchedu, a village in Prakasam district when NT Ramarao was then the chief minister of Andhra Pradesh. His close relatives, his son-in law is from that village, that fellow who is now with Lakshmi Parvathi, he is one of the leaders of that party, he is a member of Rajya Sabha, those people killed six Dalits. The initial projection of the issue, today it would have been projected as atrocities on Dalits, but in those days, it was not like that even in the common Press. The projection was that Congress voters have been killed. The TDP has killed

Congress voters because they are Congress voters. But then it was obvious that after all every Congress voter is not being killed, they are killed because they are not only Congress voters but they are also Dalits. They are Dalits in a village controlled by very powerful Kamma landlords, very rich people who are in the Madras film business and all kinds of things. For the first time APCLC as an organization went on a fact finding for an issue other than police atrocities. We just went there. We didn't understand why we were going there to be very frank. This is something we had never done in the past. We went there, we collected information, we held a press conference in Vijayawada, gave a press release, said that all the assailants must be immediately arrested and then we came back. We didn't fully understand why we had done this. But we did it. After all Congress people and TDP people killing each other takes place in Andhra very frequently. Andhra is a much more violent State than Karnataka. Not only Naxalites, but everybody indulges in violence in Andhra. Still we had never taken up those issues. For the first time we did it. Then, after I came back, I was still teaching in Warangal then, one of my students came, he was an ABVP fellow, very deliberately he came and said, 'sir, you have done a very good thing, I saw your statement in the papers, those Kammas are very bad, they have killed these Dalits, the term Dalit was not used in those days, they have killed these Harijans, its very good you have gone there. In our village Harijans have killed a Reddy; you come for fact-finding.' Deliberately he asked. I said, no, I won't come.

That time I didn't know why I answered like that. I said I won't come. He said why won't you come? Then I said, I remember my answer: 'you Reddys, you have connections in the police, so if you are killed you go and give a police complaint, police will come and arrest them. In the case of Harijans they won't have police connections, so they can't give a police complaint, police will not help them.' I think in the beginning our understanding of why we had taken up issues of atrocities on Dalits was that Dalits don't have the help of the police, whereas upper castes have the help of the police, and since we are concerned with police atrocities, it gets linked that the police are helping one section, they are not helping the other section and since we are concerned with police atrocities, and therefore we take up these issues of killing of Dalits by upper castes. That's how we understood it in the beginning. But I think, very soon, we realized that this is a very artificial way of looking at the problem.

Here is a question of power. It's a question of power. Some people have power, some people don't have power. We are concerned about State violence because the State has power over our lives. And power has to be accountable. I mean ultimately we hope there will be no power in society. But so long as power is there, it has to be accountable. It has to be accountable not only to

the public at large, it has to be accountable to certain laid down norms which we call democratic principles, democratic norms, law whatever you want to call it. This applies to everything. The State has to be accountable to democracy, to democratic norms. The owner of a factory, though he is a private citizen, he also has to be accountable when he deals with his workers, to the law, to democratic norms, to democratic principles, to the basic livelihood rights of the workers. Similarly when we talk of caste. Caste gives power to upper castes, and that power therefore equally becomes a Civil Rights concern just as State power becomes a Civil Rights concern. Similarly, a man in a family has power over women, whether as husband, as father, even as brother he has power over his sisters. Now this power also has to be accountable to democratic principles. Ultimately power should go, and there should be equality but it's a process. In the process, you hold that power accountable to certain principles.

You weaken that power, you try to get rid off that power, you try to question the legitimacy of that power. Why should that power be there, why should caste be there, why should domination of men over women be there? Well, this becomes a civil rights question as much as questioning the power of the State. This is something we understood only over a period, in the beginning we did not. One major issue which came up in those days was that, NTR was Chief Minister, there was a Backward Class Commission called Muralidhara Rao Commission. That man gave a report saying that reservations for Backward Castes in the State sector should be increased from 26% to 44% in Andhra Pradesh. This is a report that he gave. It led to a big furore in Andhra. Upper caste students, especially those who belonged to NT Rama Rao's caste, the Kamma community, they came out into the streets and all over coastal Andhra they had massive rasta roko, road roko, policemen would not touch them, they would not arrest them. It was a big situation. It became a question mark for APCLC. What do we do? Do we see it as a student agitation against government policy? If it is a student agitation against government policy; we are concerned about the rights of those students. Even otherwise, if they are lathicharged unnecessarily or shot down unnecessarily, we will take it up as an issue.

But do we see it basically as a student agitation against the policy of the government or as exhibition of upper caste arrogance? How do we see it? This was the discussion we had for a long time in our organization. We were not able to clinch it. Those of us who believed that this is not to be treated primarily as a student movement but as an exhibition of upper caste arrogance and has to be criticized from that point, though we do defend their right to take out a rally or hold a meeting and so on. But the content of their demands is an undemocratic, antidemocratic content that has to be opposed as a democratic principle. Some of us who believed that, though we were main office bearers of APCLC, we

could not even publish a pamphlet in those days. So in the name of a Reservations Protection Committee we brought out 10,000 pamphlets, distributed them in the State without using the name of APCLC. That was the situation in those days. Because, you see, earlier we had already taken up issues of atrocities on Dalits, but then we didn't fully understand why we had taken them up. When this came up we did not understand what to do. Then gradually the understanding, incident to incident, event to event, the understanding started developing and what I had briefly described that the understanding of caste as a form of power, as a form of authority, as a form of domination which is built into the social structure, just as the power, the domination of the State is built into our society, its structure, social, political structure. And wherever power is exercised the question of rights comes in. Whatever the source of the power. The source of the power can be the Constitution, it can be social or it can be cultural. Wherever power is exercised in an institutionalised way, the question of Civil Rights arises. It arises in different forms in different contexts. When it's a question of domination over women by men in the family it arises in one form. When it is a question of caste domination the form is different. When it is a question of domination of policemen over the locality where he is sub-inspector of police it arises in a different form. Basically it is a question of power.

This understanding developed only gradually. By the time Mandal Commission came, we had no difficulty about taking a stand and taking up a widespread campaign in defence of Mandal commission, in opposing whatever arguments were being given by the upper caste sections denigrating the Mandal Commission, denigrating reservations and so on. I want to emphasize that today, just as many ideas which have come from the liberal tradition, many ideas which have come from the Marxist tradition have become part of the understanding of the Civil Rights movement, many thoughts of Ambedkar also have to become part of the Civil Rights movement. One of the special qualities of Ambedkar was that he was not only an opponent of the Hindu caste system as a Dalit; he was an opponent as a democrat. Very often Ambedkar's ideas are presented as the ideas of a Dalit intellectual fighting caste. It's true. But going beyond that, he was one of the greatest democrats of India, a person who was thoroughly and completely convinced about the best democratic principles which have come from the European Enlightenment and European democratic revolution. And that critic you can find very frequently, the two get mixed when he writes. In Ambedkar's writings you have a Dalit's critic of the caste system and a democrat's critic of an undemocratic system. The two merge very neatly and very smoothly. And that critic has to become part of the understanding of the Civil Rights Movement. Because until and unless caste as a

system, caste as a culture, caste as a complex of social relations is totally annihilated there cannot be democracy in India. You can have elections. I am not denigrating elections, elections have to be there. There has to be some mode of political expression for people to choose. I mean whether it's one goonda or another goonda, even that choice is a good thing. Hopefully a non goonda will come up one day or the other. That's O.K. I am not denigrating elections. But that is not the end of democracy. There has to be as I said, as Ambedkar himself said, civic status is the beginning of Civil Liberties. In a sense, in talk of Civil Liberties who is the subject? Who is the person for whom Civil Liberties is predicate, that subject is a person who has civic status. You have to be a human being; you have to be a citizen to have Civil Liberties. Now we have a culture which says you are not a human being. So where is the question of Civil Liberties? If it is denied that you are a human being at all. If it is said you are a 5% human being, you are a 10% human being, only a few people are 100% human beings, where will the question of Civil Rights arise? Who is the subject who holds those rights? Even within what is called bourgeois law, there is a subject who holds rights. A subject who is entitled to rights. Who is that subject? A major premise of bourgeois democracy is that all subjects, all people who live in a society have equal civic entitlement to rights, whether they actually get those rights or not. Whether they get those rights or not is a question of their economic power, how much property they have, what kind of jobs they have, whether they have a job or not and so on. But civic status which is the starting point of entitlement for rights, that is presumed by the notion of bourgeois Civil Liberties. But here we have a society where that civic status itself is denied. You are not a human being, 10% of the population. Another 10% are 5% human beings, 95% they are not human beings. And the percentage which you are a human being keeps gradually increasing and only Brahmins are 100 % human beings. Now this kind of a society cannot be the bearer of a democracy. For it democracy cannot be a predicate unless the system of caste is annihilated. This is a very powerful idea which comes from Ambedkar's writings. And this idea has to become part of the understanding of the Civil Rights movement; hopefully in APCLC we are able to integrate this idea. We have a lot of differences. There are some people who resigned from the organization saying this is becoming an anti-Reddy, anti-Kamma organization. We said fine. If you think you are a Reddy, you go out. If you are born a Reddy, we have no objection, but if you think you are a Reddy you go out from the organization. You may be born in any caste, so long as you understand that caste is undemocratic and you are prepared to work against caste, work for the annihilation of caste, you are welcome, wherever you are born. But if you say I am going out because APCLC has become an anti-Reddy organization that means you are regarding yourself as a Reddy. Then don't be

here, you have no place. So we had to lose a few people. But I think the organization as a whole today has come to accept this.

Having said this, I would like to formulate a few things which I have come across as part of our experience, which are problems, problems as well as certain issues we have been dealing with. One thing that we find very commonly in Andhra Pradesh today is two issues which have become very much part of political concern today. That is women's rights and Dalit's rights. These two have become very much part of political concern all over the country. A very good development in the last ten years. But these two are being set against each other in many contexts. Very often we find that when you go to a village where there has been a complaint that untouchability is being practiced against Dalits or some physical assault has taken place against Dalits, there is often a counter complaint from the upper castes that the Dalits have harassed upper caste women. That the Dalits have raped an upper caste girl. This is a very common complaint. It has become so common that when we go to a village on fact finding we expect that. That has to be there. There was a very major killing of Dalits in a village called Chundururu in Guntur district in 1991 August 6th. The justification for the killing given by the upper castes was that the Dalits boys had become very arrogant; they are very undisciplined, they are harassing upper caste girls. They don't say upper caste, they are harassing women. They won't say upper caste women, they are harassing women. Many women have been raped. As I said you can never separate a women question and a caste question in Indian culture. So in that village the complaint was that a Brahmin woman has been raped. Any woman being raped, and a Brahmin woman being raped are not the same thing. A Brahmin woman being raped in our culture is something much more horrible than some other woman being raped. So in Chundururu the first thing that they said was a Brahmin woman has been raped. This to create the most negative image that is possible to be given. Manus Dharma Shashtra says that even if a Dalit, a Sudra falls in love with a Brahmin woman and has sexual intercourse with her, his penis has to be cut and he has to be killed. No question of even rape. That is the biggest sin that is possible to imagine in Brahminical Dharma Shastras. And nobody in Chundururu had read the Dharma Shastras, but this is part of our culture. When we talk of Manus and why should we oppose Manus Dharma Shastras, it is not that people are reading them. It has become so much part of our culture and our understanding that everybody has a Manus sitting inside his mind. And this argument was given us in that village and when we went on fact finding we find it's very easy.... How many Brahmins will be there in any village? Hardly 3 or 4, it's very easy to find out. So we went to those three or four families and tried to find out 'has any woman in your house been raped'. There were only two

Brahmin families in the village and they said no, nothing has happened. Then we tried to find out whether any woman at all in the village has been raped. Nothing. But this had already spread very widely. That Dalits had done this. Even if a woman has been raped that does not mean that all Dalits can be massacred and killed. Still it gives them some kind of a moral justification in terms of the kind of morality prevailing in society. So this was used. But subsequently we have found that it's not just spreading a rumour, counter cases are being filed. This is something that is very difficult for Dalits. You are attacked, you are subjected to humiliation, you are subjected to untouchability, you go and give a police complaint. That fellow becomes an accused. Then he goes and gives the police a complaint saying that you have come and molested women of their families or something. You are also accused. The police are very happy any time counter complaints come because they can get money from both sides. That's a general habit of the police. So he is also happy to file cases against you. But then what is your situation and what is the situation of the other fellow? He can afford to go to court once in 10 days, 15 days. But you have to give up your job, your work, your labour and go and sit in the court. Which means it acts as a pressure for compromise. Counter case is filed and then feelers are sent out. You forget your case, we will forget our case. That is the end of the matter. Very frequently Dalits are forced to come to a compromise, settle to become hostile in court if at all the case comes up for trial. Merely by filing a counter case using the question of atrocities on woman as a weapon against Dalits who protest about atrocities on them. This has become a very common thing in Andhra Pradesh. I am sure it is there here also, if you take up the issues and go to villages. Sometimes the reverse also happens. Sometimes, not as frequently as this, sometimes it does happen. There was a case when one head master in a high school in Guntur district. He was accused of molesting a girl. He actually did it, but then he used the fact that he is a Dalit and the sarpanch of that village was an upper caste man who found out this and gave a police complaint. The inspector also happened to be an upper caste man. So he used his Dalit status to try to get rid of the molestation or atrocities that he tried to perpetrate in the school. But this happens less frequently because this kind of a situation also does not arise as frequently as the other arises. And that is a very common thing, it has become very common. In many situations we had to campaign against counter cases, talk to the Superintendent of Police, the Collector, the local S.I that you can't go on registering every case which is given to you and then force them to compromise outside the police station. This cannot be done. This I think is one of the major problems that is coming up when we take up issues of untouchability and so on.

The other is a certain attitude. See what happens in these situations is this.., after all why is it that both the women question and the Dalit question today are taken up as serious political questions in India? One very obvious reason is that from both these sections of society, people have come forward. Educated people, MLAs, MPs, Ministers, vocal people have come forward who are asserting the rights of their caste or women as a group. And this has forced the whole of society to rethink about these things, to make some amends, to make some accommodation, to pass some Panchayat Raj Bill to give 1/3 seats to woman in sarpanch posts and so on, to create legislation. This pressure from the woman's movement and Dalit movement has led to some amendments and some kind of accommodation. .But whenever that is done, what happens is power is still not in their hands. They are asserting their right to power, they are asserting their right to equality and justice. But power is in the hands of other people who will accommodate because it's impossible not to accommodate when somebody is struggling against you. You do accommodate, but then you accommodate in a dishonest way.

You make some law, you don't implement it. You make some law, you allow it to be perverted in practice. In Andhra Pradesh our experience is that this Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, what is commonly called SC, ST Act, the implementation of that act has been extremely unsatisfactory because of this dishonest attitude of the administration. For instance that Act says that there has to be a special court for SC, ST offences in every district. Now there are many legislations which provide for special courts. One is TADA. It provides for a special court in a district. TADA was enacted in 1985 July, in August we had special courts in every district in Andhra Pradesh. But when the SC, ST Act comes into force in 1989, it also says there have to be special courts in every district, but for two years there are no special courts. Then suddenly Chundururu massacre takes place. People like us give press statements saying that they should all be booked under SC, ST Act and sent to the special court. Where are the special courts? They were not there. We had all thought it is there because the Act came two years ago, but no special courts are there. Then there is an agitation for special courts by Dalit organizations. Then the chief minister says, I will set up three special courts in the three regions of Andhra Pradesh--Coastal Andhra, Rayalaseema and Telangana. Those who don't know the Act think that he is doing a favour. Look at Janardhan Reddy, he is a good man. He is setting up special courts for us. We try to tell people that there is a provision in the law for one special court for each district and he is only setting up one in each of the three regions. And that is very inconvenient because you have a region consisting of 9 districts and you have only one special court. If you are the

witness, you have been assaulted, you are the victim, a victim becomes a witness in criminal trials and your friend is also a victim. As witness you have to go there, cross three or four districts and spend a whole day going and giving evidence in the court. The court in its beneficence may give you money, it may not give you money. So this was very inconvenient.

And then the most corrupt officers were posted to those courts. There is a Public Prosecutor in Mahaboobnagar, the court for Telangana. That fellow had practically opened a shop as we used to say. Saying that you give this much, I will say no objection to bail, you can take bail and go away. If you give this much, I will see that charges are not prosecuted. Openly. And Bar Associations passed resolutions against these fellows saying they are corrupt. And this is a court which is set up for protecting the rights of weaker sections of society. The State allows corrupt people to continue to be there inspite of resolutions and protests. This kind of a perversion had taken place all over. Finally what they have done is -- having perverted it, they said it has become very bad, so what we will do is the 1st Additional District Judge of every district will be nominated as the special judge. No special court but the first A.D.J of every district will be automatically the special judge. That is the situation it has come to now.

So when rights are fought for and are achieved, those who are in power, they don't want to give those rights. What they do is, they create some kind of an institutional set up and they pervert it. It becomes part of the Civil Liberties movement's job to see that this kind of institutional perversion does not take place. You can do it in a variety of ways. Many Civil Rights organisations have lots of lawyers who are part of the system – to function in those courts, to help the people, to try to see that they function properly. This can be a major task. One can give many such examples of problems which come up in this kind of a situation.

Finally I would like end with one demand which I think is a very crucial demand that has to be taken up. This concerns reservations. We all remember the whole agitation about Mandal Commission. How viciously and virulently it was opposed by upper castes, especially in North India. In the South, people have got accustomed to reservations but in the North it is still very fresh for them.. And finally the Supreme Court also upheld it with some reservations anyway. It's getting implemented. But while the whole thing was going on what has been happening on the other side? Reservations till now have been confined only to the public sector, and there is agitation, there are movements, they are statutes, there are laws, there are Supreme Court judgments, ultimately saying that it's all very fine to give reservations in the public sector. In the meanwhile, the public sector has gone. Everything is getting privatized. So today Mandal

Commission comes into force and it gives reservations in telecommunications. But where is telecommunications? Its in the hands of Himachal Futuristic whatever it is called, who is now hosting, sponsoring today's election results announcement by Pranay Roy and others. So the public sector has gone just at the time when Dalits and Backward Caste people developed a section within them who could vocally come forward, agitate, fight. But then there is nothing in the Indian Constitution which says reservations have to be confined only to the public sector.

Article 15(4), 16(4) by their plain reading give complete justification for reservations in the private sector also as much as in the public sector. And if one takes a look at the private sector, we are conducting a survey in Andhra Pradesh to take up a campaign on this. In the private sector, I think we all perfectly know what is happening. Whatever is the caste of the fellow who sets up the unit, he brings his caste people only for the important jobs and only for menial works he allows local people to come who may be people of Backward Castes, Scheduled Castes. And you don't find a single woman excepting an occasional typist in any private sector, factory or any such institution. So we are conducting a survey of how many jobs are given to Backward Caste, Scheduled Caste people and to woman in the private sector, either in industries or in colleges. At least in industries sometimes they require people who have competence. In educational institutions nobody thinks competence is required. So a Reddy sets up a college, all the jobs are given to Reddys. I am sure if a Vokkaliga sets up a college here, all the jobs are given to Vokkaligas irrespective of merit because nobody thinks merit is required in a college. Already I believe Janata Dal has passed a resolution that they are going to do this. Whether they do it when they come to power, one does not know, in opposition they pass a resolution. But the Civil Rights movement has to take this up as a major demand. As I said it is not that we are going to achieve. We have not been able to put a pull stop to encounters or lock up deaths or anything. What we have been able to achieve is to create a public opinion in society that we are people who are disinterested in the sense that we are not with one political party or any political party, we are not doing this for the sake of elections. The Civil Rights movement talks in terms of principles. And as a matter of principle we have been able to convince society that this arbitrary exercise of power by the police will not do. They cannot pick up somebody and shoot him dead and say he is a Naxalite. They cannot torture somebody, kill him in police lockup and say he is a dacoit. If he is a dacoit there is a court to declare that, not you. Police cannot do it. We have been able to spread this idea in society and we have been able to create certain institutions, to strengthen certain institutions. After all the National Human Rights Commission has come

into being partly because of the pressure from the United Nations and so on, partly also because of the Civil Rights Movement in India which has been consistently putting pressure for the creation of a judicial body which will investigate or at least enquire into offences by the police and paramilitary. And today in Andhra Pradesh we filed a writ petition in the High Court about encounters, in which we asked the High Court to declare that one Human Rights court has to be set up in every district. Not merely to enquire into but to try and prosecute police officers. Three months ago Chandrababu Naidu declared that we have Human Rights courts in the form of an Additional District Judge in every district. So this kind of creation of institutions, creation of institutional culture all this can be done which we have been able to do in the case of police atrocities and TADA so on.

So equal opportunity has been achieved; partial equality, opportunity has been achieved through reservations. But if the public sector has gone and everything is getting privatized very fast in the country, a major movement for reservations in the private sector for women, for Dalits, for Backward Castes, for Tribals is required. And while the Civil Rights movement cannot itself create that kind of a movement, we can create a climate for such a movement, create support, sympathy, justification, legitimacy for that kind of a movement. I think that is a very important task.....and in the context of the new economic policy, in the context of liberalization, restructuring of the economy, I think this is a very important task linked to the general struggle for the annihilation of caste. This is a movement that we in Andhra are taking up—we are doing a survey and we want to take up a campaign. We are hoping that it will be also taken up by PDF and also democratic-minded people outside. That is necessary.

And this is where as I said when one talks of caste it is not just a question of opposing atrocities on Dalits. From atrocities on Dalits, to a campaign for reservation in the private sector is a very long journey. But then that journey can be made if you understand caste as by itself, in itself, by its very nature a denial of democracy. Then you will understand that merely killing of dalits in the villages by upper caste people, or savarna Hindus, that is not the only atrocity in relation to caste. Any consequence of caste as a system, any consequence of caste as a hierarchical, undemocratic system—caste as a mode of power, any such consequence is undemocratic. And one of the undemocratic consequences of caste—because the whole basis of caste, the logic of caste in our country has been that everybody is allotted one dharma and you have to stick to that dharma. Whereas liberty and freedom demand that everyone should be free to choose what he or she would like to do. Everyone should be free to choose what he or she should spend ones creative talent on. And Hindu dharma is exactly the opposite of that. You are confined to this. You are this and you have to do

this. And that has created inherent social, cultural drawbacks for people who are born in Backward Castes or Scheduled Castes in terms of education. Because education was the one thing that was systematically, in terms of Hindu dharma, denied to them. In practice of course dharma may not have been implemented 100 per cent and many Dalits may have got educated, that's a different matter. But as a matter of principle, as a matter of a guiding philosophical principle of society, this was denied. And if that has to be annihilated, equal opportunity for education, equal opportunity for education in a country where education was supposed to be in theory confined only to Brahmins, that becomes a major task as part of the annihilation of caste. And therefore also a task of the civil rights movement. Education, employment, and dignity, and status in society and so on. So that has to be taken up in the context of economic restructuring—as reservations in the private sector—as a movement it has to be taken up and we are trying to create some literature. We will be sending it to you also. I think I will stop here and give you time to ask some questions and interrogate. Thank you.