



Caste and civil rights

Balagopal's reading of the entangled web of casteism in India was that caste is not only an instrument of power, prestige and arrogance in society, but it is also an important indicator of social backwardness, an identity for assertion and self respect, writes
Dr. K Satyanarayana

It was during the Mandal controversy in the 1990s, I happened to read Balagopal's article 'Anti-Mandal Mania' in *EPW*. I was a student at the university of Hyderabad at that time. When all the upper caste students were on strike opposing Mandal reservations, we did not know what to do and how to respond. Balagopal gave expression to our anguish and anger against the public display of caste arrogance. He strongly criticised a large section of the upper caste intelligentsia of Gandhian, liberal and left leanings that were united to oppose reservations for OBCs. This was how we felt as a small group of dalit students in an elite campus. I later came to know Balagopal both as a civil rights activist as well as a Marxist intellectual and closely followed his political, social and cultural analysis both in Telugu and English.

Balagopal is primarily known for his practice as a rights activist. Caste and dalit rights are some of the key issues that Balagopal spearheaded in his activism. He investigated a large number of cases of human rights violations of dalits and OBC castes in Andhra Pradesh and raised his voice against the dalit massacres, criticised anti-reservation agitations, campaigned against capital punishment awarded to two dalit youth and documented innumerable number of issues of upper caste violence and discrimination in his fact-finding reports.

Caste always remains a priority both in his human rights activism as well as in his legal practice. Even Balagopal's last article (published in *EPW*) is on caste-based reservations and it is an indictment of the Supreme Court's judgements on OBC reservations. He also spoke and wrote exten-

sively on Hindutva politics, arguing that the Hindutva agenda is anti-dalit and anti-minority and would result in the violation of democratic rights and the destruction of democratic values in society. While it is important to recognise Balagopal's dedicated efforts to investigate and publicise issues of caste and dalit/OBC rights, it is equally significant to assess his contribution to shape a new perspective on caste in the civil rights movement. Perhaps, Balagopal was the first person in India to conceptualise caste as a civil rights issue in the late 1980s and worked hard to incorporate a provision relating to this in the manifesto of Andhra Pradesh Civil Liberties Committee (APCLC) in 1992. He extended the scope of the civil rights movement by taking up violations of dalit and OBC rights and also reservations as a democratic right.

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As many of us pay their tributes to this crusader of human rights, we must record and analyse his theoretical contribution to the question of caste and dalit rights. I find this a big gap in the discussions that followed after the demise of Balagopal. I will cite the rethinking of the categories of a certain Marxist understanding in (hereafter APCLC) an organisation that has spearheaded the civil rights movement in the last four decades in Andhra Pradesh. K Balagopal, the then general secretary of APCLC, reflecting on his experience of human rights activism in 1996, admitted that APCLC, which was established in 1973, did not take up caste as a basic civil rights issue until 1991 (these arguments are a summary of Balagopal's lecture on "Caste and

Civil Rights' Movement in Andhra Pradesh delivered on May 9, 1996, People's Democratic Front, at National College, Bangalore).

When Karamchedu massacre took place, the team of APCLC went to the village and conducted a fact-finding inquiry. The team held a press conference and demanded the arrest of the perpetrators of the killings. Later when a student asked Balagopal to visit his village to conduct a fact-finding inquiry into the killing of a Reddy person by a dalit, Balagopal responded in the negative. The explanation offered to the student was that the Reddys would have police connections while the dalits not since they are poor. So APCLC would intervene in the cases of dalit killings to force the state to act and deliver justice to the marginalised. The state-centric perspective reduced dalit killings to an issue of atrocity. Balagopal

suggested that this inadequate understanding had to do with the Marxist origins of the civil liberties movement in Andhra Pradesh. In his understanding, dalit killings were seen as state violations of dalit rights. The APCLC's initial agenda was to take up issues of the suppression of workers and peasants by the landlords and the capitalists. According to Balagopal, the Karamchedu incident forced APCLC to rethink the categories of class and other economic categories and to accept caste as a basic civil rights issue. The APCLC had to rethink the presumed status of dalits as citizens in a liberal democracy. He drew on Ambedkar to suggest that dalits are not considered citizens. The denial of civic status to them, Balagopal pointed out, cannot be addressed within the liberal or Marxist conceptions of democracy. This is where the dalit movement provided the category of caste to analyse and understand the denial of civic status to dalits. Similarly, Balagopal cited the issue of anti-reservation offensive of the upper caste students against the decision of the AP government in 1986. In the old Marxist understanding, the protest is simply an issue of the public protesting against the government. According to Balagopal, it is the dalit

movement that offered a new understanding that the anti-reservation offensive is an anti-dalit protest and that it is a display of upper caste arrogance and power. This rethinking on the question of caste really helped APCLC to include a specific provision in its manifesto in 1992.

Balagopal often argued that the civil liberties movement failed to recognise caste as an issue of human rights' violation until the Karamchedu massacre and the birth of dalit movement in Andhra Pradesh. He commented "the real learning for the rights movement however came with Karamchedu massacre of July 17, 1985, in which five dalit youth were hunted and killed and three dalit women raped by an upper caste mob. The assault cried out for recognition of a major dimension of suppression of rights, which the largely upper caste leftist activists of the civil rights movement had up to that time been happily indifferent to."

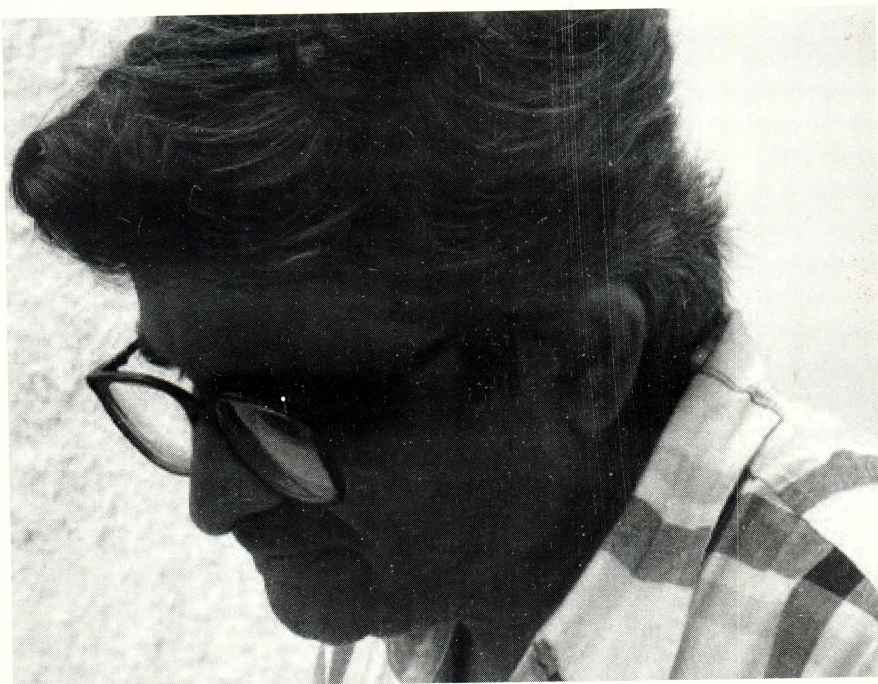
Theorising caste as a civil rights issue has several implications. The civil rights perspective of the rights' movement was state centric in the sense that it was the state and its institutions that were responsible for the violation of rights in society. Balagopal began rethinking of this perspective when Karamchedu dalit massacre happened. The debate on Karamchedu highlighted the centrality of caste as a system and its ideology of brahminism as the root cause of dalit massacres. Karamchedu brought the reality of untouchability and caste-based oppression to the fore. The role of caste in Indian society was debated and the dominant Marxist view that Indian society is class-based structure and the state is its centre was highly contested. There are large sections of our population who are living outside the villages as untouchables. These untouchables have no status as citizens or even as human beings. How does one conceptualise the rights of people who have 'no civic status', Balagopal had always asked. The concept of civil rights is inadequate to address the question of human dignity and self respect of certain social groups in our society. It is in this context Balagopal proposed that there are other institutions such as the caste system and its

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ideology that cause violation of rights of the dalits in this society.

When the question of caste resurfaced in the public domain in post-independent India with the massacres of dalits in the 1980s, the issue of caste based reservations for the backward classes in education and employment came up for discussion. In 1986, the then Telugu Desam government (NT Ramarao was the chief minister) increased reservations for the backward classes from 25 to 44 percent based on the recommendations of Muralidhar Rao commission in 1986. The upper caste students protested against this decision of the government and organised a big anti-reservation agitation all over the state. Balagopal recounted that APCLC was asked to intervene to get permission to one such anti-reservation rally by the upper caste students. The argument was simple. A section of the students wanted to take out a rally against the government decision, the APCLC as a rights' organisation was expected to intervene to ask the government to allow the rally as it is a matter of constitutional right to freedom of association. In response to this request, APCLC replied stating that the upper caste students' protest rally was no doubt anti-government but these protests against reservations were anti-dalit in character and therefore undemocratic. These agitations were organised to display upper caste arrogance and power in order to retain their social and political dominance in society and that "there is little difference between anti-reservation agitations and 'atrocities on harijans'", Balagopal observed.

In a situation where a large section of intellectuals and many political parties opposed reservations based on caste to the backward classes, APCLC, under the leadership of Balagopal, resolved to declare reservations based on caste as a democratic right in a caste society. When VP Singh's government announced the implementation of Mandal Commission recommendations in August 1990, there was a huge opposition to this decision from the upper caste students and intelligentsia. While there was a lot of confusion and disagreement on this issue and particularly on caste basis of the poli-



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cy among the liberal and Left intellectuals in the country, the consensus and the support to the 27 percent OBC reservations in central government jobs was quick in Andhra Pradesh because of the debate in 1986. Balagopal not only described the anti-reservation protest all over the country as 'Anti-Mandal Mania' but theorised freshly the role of caste in Indian society. Caste is seen as a social evil and a sin to be eradicated. This view advocated by Gandhi is widely shared by many even today. The liberal and Left progressive sections view caste as a traditional institution that needs to be destroyed in order to make our society modern. In both these views, there is no recognition of the role of 'modern' forms of caste in our elections and everyday life. When caste is viewed as a cultural form of an old society, one fails to see its contemporary social, political and economic role in our society.

The contemporary dalit movement brought the new face and forms of caste into the public domain for interrogation. Commenting on this new role of caste, Balagopal argued that caste is not only an instrument of power, prestige and arrogance in society, but it is also an important indicator of social backwardness, an identity for assertion and self respect. He rejected the dominant perception of the liberal and Left political groups that caste is a pre-mordial identity of a backward society and that caste based identity movements of the oppressed spread casteism.

In his 'Anti-Mandal Mania' Balagopal asserted that "it is the political duty of the oppressed to use their caste identity" in their struggle for rights in this society. This comment is very significant as Balagopal recognised caste based identity movements as democratic movements articulating new visions of Indian

society. Given his understanding of contemporary forms of caste in modern India, Balagopal had been consistently opposed to any attempt to dilute the caste basis for reservations in India. He viewed the concept of economic criteria as well as the concept of 'creamy layer' advocated by CPI (M) and some other intellectuals as attempts to dilute the anti-caste thrust of reservations in India. In fact, he argued time and again that reservations were proposed in the context of the caste system and therefore, these provisions must be seen as enabling the oppressed caste groups to overcome caste disabilities in order to enter the public domains. He opposed and vehemently criticised viewing the reservation policy in the context of employment and merit.

As Balagopal rightly noted, identity is one of the key issues in the dalit movement. Dalit movement organised and consolidated diverse sections of the untouchable caste groups and posited a new 'dalit identity' based on untouchable caste solidarities. It raised the issue of representation of dalits in the people's movements and criticised the predominant representation of the upper castes and particularly Brahmins in most of the Left organisations and parties. Dalit intellectuals severely criticised the failure of the Left and other progressive organisations such as civil rights organisations and movements to develop leadership from diverse sections of the society including dalits. He described this view as a genuine one and argued that the disproportionate representation of the upper castes in the leadership of the people's movements is a serious hurdle to address and solve the caste question. He supported attempts to restructure APCLC's leadership to make it more representative of all caste and other social groups. The standard liberal and Marxist understanding is that it is wrong to talk about caste identities of the leaders in the people's movements. It was believed that the leaders of the people's movements are 'casteless' and therefore 'secular' and that they are individuals who gave up their caste, class and other parochial identities. The very attempt to think in terms of caste identities and caste based repre-

sentation is viewed as perpetuating casteism and divisive tendencies among people.

Drawing on dalit thinking, Balagopal argued that caste identity is an important concept to understand Indian society and all its institutions including the people's organisations. When dalit intelligentsia proposed that the upper caste intellectuals should dalitise their life and they should 'disown' their caste privileges and critique their caste status, Balagopal often acknowledged publicly his caste identity as a Brahmin and genuinely disowned his caste privileges. He gave his job and all privileges of his education. He rejected wealth and power. He lived a simple life outside the brahminical

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framework. He is someone who recognised that even the secular and democratic intellectuals will carry their caste identities as long as this society remains a caste society. In this sense, Balagopal would always accept his caste identity and actively try to undermine his caste status and privileges bestowed on him because of this identity. It is the character of our caste society that attempts to claim Balagopal as a Brahmin even after he completely disowned his caste and disassociated himself from his community. He genuinely tried to live as one among the ordinary people such as dalits, minorities and adivasis. As someone commented, he experimented with his life and seriously tried to change his identity and live as a secular democratic individual. He may have failed to completely live outside

the society of caste, class, gender and other inequalities and hierarchies. That does not mean that Balagopal will forever remain only as a Brahmin because of his birth. One cannot claim Balagopal as a dalit or an adivasi but he cannot be reduced to his Brahmin identity based on his birth. If some dalit intellectuals are making this argument, they are undermining the very possibility of change and therefore, of building a democratic society. The attempt to describe Balagopal as a Brahmin and pushing him to the upper caste camp will strengthen the brahminical caste society.

The oppressed groups including dalits must recognise and respect Balagopal's contribution as a democrat and a sincere activist who worked for the expansion of democratic rights and values in our society. This is a very important task to advance the cause of equality in our society.

Balagopal's critique of law and judiciary is a rare attempt. He has extensively wrote and commented on courts and law. I will only refer to Balagopal's critique of law in relation to caste and dalit rights. When two young dalits, Chalapati Rao and Vijayavardhanam, were sentenced to death in Chilakaluripeta bus burning case in 1996, Balagopal campaigned against this punishment along with the dalit and other democratic forces. He argued that the judiciary should examine the social position of the individuals and the unequal socio-economic system while awarding punishments. Both Chalapati Rao and Vijayavardhanam belonged to the scheduled caste and were in the unorganised urban sector. They were forced to commit crimes due to their poverty and hunger. The award of death punishment to the two dalits, Balagopal pointed out, was a clear case of failure of the judiciary to address the responsibility of the society and its caste system. The committee against capital punishment was successful in converting the punishment from death sentence to life imprisonment.

In the Chundur dalit massacre(1991) case, Balagopal (along with K. Kannabiran) argued in the high court to start the trial in the special SC/ST court set up in the village. The upper caste accused used all their

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political and economic power to stop the trial at various stages. The legal intervention of Balagopal was crucial to complete the trial after 13 years of the massacre. Chundur case is one of the first cases where the upper caste accused were awarded life imprisonment under the SC/ST (Prevention of Atrocities) Act, 1989.

Balagopal publicly and boldly criticised the Supreme Court on several occasions. The case of subdivision of scheduled caste reservations is one example. Balagopal supported the Madiga demand for the subdivision of SC reservations (15 percent) into four groups as A, B, C and D based on social backwardness and the percentage of population of each dalit caste group. The equal sharing of reservations in education and employment among the 59 dalit castes, Balagopal said, is a democratic right. The demand for subdivision of SC reservations was widely debated, all political parties accepted, the state assembly passed an act and the act was implemented. When a section of the scheduled castes (Malas) approached the Supreme Court, the act was declared unconstitutional stating that "the Constitution has intended that the SCs and STs are an indivisible, homogeneous entity". Balagopal pointed out that there is no evidence in the Constitution to argue that the Scheduled castes are a homogeneous group. He criticised the court for its failure to see social inequalities in the society and its refusal to examine the claims of discrimination and representation of the Madigas. He was very clear that the Supreme Court could have upheld the subdivision of reservations very much within the legal framework and offered a solution to resolve the inequalities among the oppressed caste groups. It was his view that when it declared the subdivision of reservations discourage merit, the Supreme court reiterated its age old view against reservations that reservations destroy merit.

In his last article to *EPW* on OBC reservations in central educational institutions in 2009, Balagopal attacked the Supreme Court arguing that "A sad fact about the Indian judiciary is that where the judges have felt urgent ideological compulsion

they have not let mere canons of discipline stop them. Judgements by smaller benches have prised open what even a nine judge bench has declared to be the law to such an extent that most of the issues are again open for rewriting. The judgement in Ashoka Kumar Thakur vs Union of India is a case in point. Not only the court violated the legal principles but also reserved more than 100 percent seats to the upper caste students. In other words, the court subverted the very principle of social justice by preserving the upper caste monopoly in the higher educational institutions. Similarly, his arguments in the Muslim reservations case, Adivasi land rights and the case relat-

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ing to the right to life in the context of police 'encounters' illustrate how law may be used in favour of the people and how law can be exposed for its limitations.

Balagopal read Ambedkar very closely and analysed his ideas in the context of Karamchedu incident and the dalit movement. According to Balagopal, Ambedkar observed that in this country wealth, knowledge and power are distributed on the basis of caste and therefore, they should be shared on the basis of caste. Highlighting the undemocratic character of Hinduism, Ambedkar opined Hinduism declares that social inequalities are created by God and therefore, it endorses inequalities theoretically. Islam and Christianity, in

principle, propagate the view that all human beings are equal. Balagopal introduced to many of us Ambedkar in a simple language in his many lecture sessions. The influence of Ambedkar and dalit movement was so strong on Balagopal that it caused the shift in his conception of rights. Balagopal's use of 'human rights' is generally traced to his criticisms of Marxism and his disillusionment with the Naxalite movement. But it is equally important to note that Balagopal stated that it is the dalit, feminist and environmental movements that gave a new and expanded understanding of rights by invoking the universal principles and social practice of the modern state to fight oppression and oppose inequalities. In fact, one could argue that the conception of human rights of the newly established Human Rights Forum could be traced to the dalit and other identity movement than to the international debate. To put it in Balagopal's words:

"... the fact that the rights movement in Andhra Pradesh took birth in the agitations against police brutality upon the communist revolutionary movement has its own consequences... It is needless to say that if the human rights movement-as- such had originated somewhere else -say, in the campaign against untouchability- its organisational and ideological contours would have been entirely different."

Balagopal is one of the creative commentators of the questions raised by the dalit movement in Andhra Pradesh. He represented a democratic tradition that began in the aftermath of Emergency. He expanded that democratic tradition by incorporating the aspirations of dalits, women, minorities and adivasis. Andhra Pradesh is perhaps the first state to conceptualise "caste as a live instance of institutionalised denial of rights: the right to equal worth, opportunity and dignity." We live in a state where there was no Gujarat massacre and no Green Hunt. The contribution of democratic intellectuals like Balagopal is enormous for this situation.

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