

# Remembering Balagopal – Arvind Narrain

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*To remember him is to pledge fidelity to these values and work towards an 'alternative imagination of India'.*

On 10 June, 2021 we marked the 69<sup>th</sup> birth anniversary of renowned human rights activist, K Balagopal who unfortunately passed away twelve years ago. Balagopal was introduced to the Kannada speaking public through Gauri Press's publication 'Inner voice of another India: The writings of Balagopal', released by Gauri Lankesh in 2010.

Balagopal remains an inspiration to human rights activists around the land right from Kashmir to the troubled North East to Chhattisgarh and Jharkhand as well as Gujarat and Karnataka. To understand the history of human rights in India, a wonderful starting point is the website [www.balagopal.org](http://www.balagopal.org) where his writings and lectures have been beautifully archived by his colleagues in Andhra Pradesh and Telangana.

Balagopal was not only an extraordinary 24/7 activist but also a lawyer and thinker who contributed to theorizing human rights in the Indian context. His thinking of what is human rights is never more relevant than today when the future of human rights is imperiled.

When we study human rights in text books it is often as dry legal documents, be the Covenant on Civil and Political Rights in international law or the Fundamental Rights Chapter in the Constitution. Balagopal insisted that we can't understand rights except as a product of struggle. As he put it, 'without some struggle or agitation, rights do not accrue'.

This way of thinking about human rights, 'breathes life into the Constitution'. For example the constitutional provision, Article 15(2) which prohibits discrimination on grounds of caste in the access to public places, shops, water bodies etc derives its life from the famous Mahad Satyagraha led by Babasaheb Ambedkar for the right to access water without discrimination on grounds of caste. Similarly Article 17's prohibition of untouchability crystallizes the norm that a violation of the right to equality and dignity of the Dalit community should be an offence. This important normative recognition is a product of the struggle waged by Babasaheb Ambedkar.

If we think of rights as a product of struggle, then the Constitution comes alive and even seemingly dry provisions tell a story. As Balagopal put it, 'each such right expresses a value that is as much a lasting resource of human civilisation as the steam engine that Marx was immensely impressed by'.

However it was not enough to articulate the value alone but one had to 'strive to protect a given right', which meant a struggle to overcome the 'bourgeois expression of the notions and forms in which the principles are embodied, and the institutions in which their realisation is enshrined'. This was the role of the human rights movement to work towards ensuring that the norm translated into ground level reality. He did this by establishing the Human Rights Forum in 1998

which has since then waged a ceaseless struggle against encounter killings, torture as well as displacement and other human rights issues. The Telangana Government by proscribing a number of human rights organisations has made the struggle for human rights in the Telugu speaking states even more relevant than ever before.

From his unique standpoint as an activist intellectual, he gave a new understanding to the idea of ‘universality’ of human rights. Particularly with the advent of post-modernist thinking in the academia, the language of universality has been subjected to intensive critique. Balagopal’s defense of the idea of universality of rights, flowed from the complex questions thrown up by struggle.

As part of a human rights group, when he along with his colleagues went to the police station to press for the release of a political prisoner or his production before the Court, he said that the ‘police used to make fun of us’. They used to say that you are ‘only interested in the radical who is in police lock up’ but ‘there are ten more people in the lock up along with him, why don’t you talk about them?’ ‘The police of course were not interested that we should talk about them. They were interested in exposing our one-sidedness.

As he puts it, we learnt a lesson from the police, that we can’t say ‘torture of a Naxalite is wrong, we can only say torture is wrong. Once you say torture is wrong you have to look at who else is being tortured.’

This Balagopal says leads to a ‘perpetual expansion of principled concerns’ and the idea that a human right has to be universal. Balagopal applied this logic of ‘expansion of principled concerns’, and was supportive of the first report on human rights violations against the transgender community produced by the PUCL-K as it placed the rights of the transgender community within a principled defense of the right to be free from torture and the right to dignity.

As a human rights activist, Balagopal went on Fact Finding missions throughout the length and breadth of India and produced incisive reports on human rights violations. The Reports themselves are authored by human rights organizations and do not bear individual names. This format itself is a tribute to a form of collective working and collective authorship in which Balagopal choose to subsume a lot of his writing.

The human rights reports which he collectively authored always had a flashing insight which raised the value of the report beyond the immediate context and raised deeper historical and philosophical questions.

The Fact Finding on the Tsundururu massacre in 1991 in which nine Dalits were killed by the upper castes, makes the point that the Dalits of Tsundururu were breaking the ritual norms of caste and this ‘transformation among the Dalits’ was seen as a ‘threat to the authority’ of ‘the upper castes’. It is this background of resentment which explains the boycott of the Dalits and the subsequent massacre with the immediate trigger being an altercation in a cinema hall where ‘an educated dalit youth put his leg on a seat occupied by an upper caste boy in a theatre’. This way of thinking of ‘atrocities’ as anchored in the ‘changing nature of caste relations’, can be applied to understand other major caste atrocities be it Kambalipalli in Karnataka ( 2000) or Khairlanji in Maharashtra. (2006)

The Fact-Finding report on the pogrom against the Christian community in Kandhamal brings to light the dignity of the very poor. In spite of enormous pressure as well as inducements from the Bajrang Dal to convert to Hinduism, the Adivasis refused to convert, even if it meant they had to leave their home. This is a testament to how the exercise of the freedom of conscience is an integral aspect of being human. It speaks to the refusal to give up one's dignity, which lifts human existence above mere animal existence.

Balagopal's Fact Finding Reports are not just reports but in A.R. Desai's words, 'documents which are forged in the fires of struggles and are therefore symbols of heroic battles carried on by the people in different parts of the country.'

What you get in the Balagopal corpus is this constant shift from theory to practice with each question thrown up in practice refining his theory. As his colleague Kodandaram put it, 'just when his efforts were beginning to coalesce into a coherent body of critical praxis', 'Balagopal himself has left us'.

As Prof Babiah of the Peoples Democratic Forum said, you can't talk about human rights in India without talking about Balagopal. In Balagopal, integrity and courage, humility and passion, the nobler qualities of humanity found their expression. To remember him is to pledge fidelity to these values and work towards an 'alternative imagination of India'.