Maoist Justice vs Liberal Justice
A Tribute to K Balagopal

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Can violence become a means to justice? Should an oppressed community give any consideration to the principle of liberty? Using K Balagopal’s position on human rights as the backdrop, a theoretical approach to human rights is presented. The Maoist movement’s communitarian approach to rights, where every fight for justice is reduced to “us versus them,” comes at a high cost to overall justice in society. Instead, the only reasonable approach is one that recognises multiple credible claims to justice from myriad interests of individuals and groups across society.

On 9 December 2017, the media carried reports that Maoists had killed Kalakani Surya (26 years old) and Mukla Kishore (22 years old) in Maddigaruvu village, in Malkangiri district, Odisha (Kalinga TV 2017). The reports said that 20 to 25 armed men had dragged them out of their respective houses, even as their families pleaded their innocence, and had shot them dead. Surya was a photocopy shop owner with a wife and two children, and Kishore was an unmarried agricultural labourer. The Maoists left behind a pamphlet justifying their actions and accused the two of being police informers.

These actions were clearly an attack on Surya and Kishore’s right to liberty, regardless of whether we think they were informers or not. It is also important to recognise that these actions were an attack on liberty at two separate levels: the idea that violence can be seen as a means to justice, and the assumption that the interests of the community represented by the Maoists should be privileged over the interests of any other individual or community. Can violence become a means to justice? Should an oppressed community give any consideration to the principle of liberty?

In this article, I discuss the ideas of K Balagopal, former general secretary of the Andhra Pradesh Civil Liberties Committee (APCLC), the leading human rights association in the erstwhile state of Andhra Pradesh. His understanding of rights eventually led him to break away from the organisation and disassociate from it, though he continued to work on human rights issues. This context forms the backdrop for the ideas discussed in this article. I argue that Balagopal’s departure from other human rights activists was concerning the difference between a communitarian approach to justice as opposed to a liberal approach. I define a “communitarian” approach as one where the interests of a given community are placed over and above the interests of the society. I argue that Balagopal, unlike his peers at the time, takes a liberal approach to human rights; a conception of justice that is concerned with the society as a whole and not any one community. In this approach, one is concerned with the myriad interests of individuals and communities to arrive at broad principles that govern society. As a result, Balagopal is able to consider a larger variety of credible claims to justice, including the concerns of the community represented by the Maoists.

I discuss here the differences between the Maoist position and the liberal position. I use “Maoists” as short-hand to refer to all those who side with the Maoist movement, and use “liberals” for those who stand for the principle of liberty (a broad principle of justice that concerns different interests in society). In doing so, I hope to highlight some of the assumptions that underlie these positions. Within the discourse on rights in India, there is a general aversion to theorising on human rights. In this article, I argue that engaging in discussions on human rights theory is critical if we are to establish a body of knowledge that can be built on in the future, and if we are to learn from the various intellectual contributions made by human rights activists in the past.

Violence as a Means to Justice
Can violence be a means to attain justice? Writers like Arundhati Roy (2010) have written, backed with figures, about how the tribal community has been subjected to violence not only directly by the police, but, even more brutally, through government-sponsored vigilante groups. The actions of the Maoists, she argues, represent the revolt of the tribal community against the state’s coercive politics. Many people within the human rights movement have taken and continue to take this position. There are, however, two primary concerns with such an approach.

No peaceful alternatives: At the core of this position is the assumption that there are no peaceful alternatives, and that

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violence is the only recourse for the tribal community. When thinking about these issues in 2018, it is not difficult to find individuals and organisations whose work demonstrates that peaceful alternatives do exist. The work of the Society for Education, Action and Research in Community Health (SEARCH) in Gadchiroli, Maharashtra, has received tremendous recognition for reducing infant mortality in a tribal region from 121 per 1,000 live births to 30 per 1,000 live births (Bang et al 1999). They continue to work on a variety of rural health and development issues in areas not far from Malkangiri. Samatha, a non-governmental organisation working in Visakhapatnam and East Godavari districts in Andhra Pradesh, was responsible for the passing of a landmark Supreme Court judgment that recognised the rights of tribal communities over their lands (Samatha v State of Andhra Pradesh and Ors 1997). Samatha has continued to work on micro-development projects to improve the lives of the tribal community in the region. I specifically choose these two examples as one concerns well-being and the other the agency of the tribal community. While this is by no means an exhaustive list, they provide evidence of organisations that demonstrate the effectiveness of peaceful strategies for ensuring tribal rights and the betterment of their living standards. Given this level of evidence, claims against the existence of peaceful alternatives ring hollow.

Nature of arbitrary violence: Any fair system of justice requires consistency in the assigning of punishment based on the act of crime. This can only be achieved by having the right checks and balances to ensure a balance of power between the enforcer of justice and the receiver. However, in the event that the enforcer of justice has been provided excess powers, it would result in the arbitrary assignment of punishment, based on the whims and fancies of the enforcer. While such a description of an unfair system fits the operation of the Indian state in the tribal region, one has to ask if it also describes the Maoist movement. In the discussion on justice, how does one decide what kind of punishment should be accorded to which deeds? For instance, take the case of Surya. Was he willingly informing the police or was he being coerced? If Surya had not been found, would his family be punished instead? What kind of punishment would have been meted out to them: death, amputation, or beating? There are several instances reported where suspected informants are accorded different degrees of punishment often left to the arbitrary choice of the Maoists (Balagopal 2006). In many instances, like in the case Surya and Kishore, there is no evidence of a fair trial (Kalinga TV 2017). At a time when human rights activists are unanimously opposed to police torture and the death penalty, on what grounds can an arbitrary use of violence within the Maoist movement be justified?

Within the human rights community, Balagopal was one of the earliest to publicly condemn the arbitrary violence of the Maoist movement in Andhra Pradesh, without questioning their intentions. He wrote,

Without exception, all militant movements have killed more people of their own social base than their purported enemy classes ... The very fact that this is true of the Naxalites, the most politically sensitive of all insurgents, is proof enough. (Balagopal 2006)

His views directly opposed those of other prominent personalities at the time within the human rights community who believed that violence within the movement should be seen as an act of revolution as opposed to the explicit violation of rights (Dhanraj 2007).

Balagopal (1987) expressed his abhorrence of Maoist violence lucidly when he referred to “[their] range of acts of violence, which have no direct relation to the immediate realisation of any rights for the masses, though the resulting repression invariably hits at the masses.” His argument suggests that Maoists create an environment of violence that only provokes more violence from the state, often worsening the lives of the tribal community in the region (Balagopal 1987).

Liberty vs Community’s Interest Implicit in the argument justifying the attack on the informers is a subtle undermining of the principle of liberty that is often overlooked: the assumption that the interests of the community should supersede the interests of everyone else in society. The argument goes, given that the interests of the tribal community have been suppressed by design for several centuries, is it not justified for them now to assert their interests over the interests of others in society?

This is where the liberal position differs from the Maoist position. The liberal position, I argue, requires that a community can assert its rights, but only as long as it reinforces the underlying principle of liberty. In other words, there is a recognition that the community’s assertion of its interests in society is only to correct the imbalance of power, but not at the expense of the interests of other communities, individuals, or of their own members’ rights. The difference arises as, while Maoists are committed to the interests of a given community, liberals are committed to the underlying principle of liberty. Let us consider two examples of how the Maoists’ and liberals’ assertion of rights differs.

Interests of the oppressed outside the community: How does the Maoist community address the issue of oppression...
outside of the community? For instance, on 17 June 1985, there was a major assault by upper-caste men on the Dalits of Karamchedu village in Prakasam district, Andhra Pradesh, killing six men and raping three women (Balagopal 1987). This has been repeatedly cited by the Dalit community in Andhra Pradesh as the turning point in caste consciousness in the region (Gidla 2017; Dhanraj 2007). The incident seemed to have brought public attention—including to the attention of those concerned with human rights—the oppressive nature of caste politics. However, those who took the Maoist position within the human rights community in Andhra Pradesh, gave little importance to the incident as it was not pertinent to the community they represent (Gidla 2017; Dhanraj 2007). The narrow focus on the community’s interests suggests that the Maoists are willing to overlook any other form of injustice in society. The argument here is not to say that every community should take up issues of injustice concerning other communities. However, recognising injustice done to other communities is vital to understanding what we mean by “justice.” It broadens one’s understanding of “injustice” from something that concerns a single community to something that applies to society as a whole.

Interests of subgroups within the community: If a movement is concerned with justice, should it pay attention to the violation of the rights of a subgroup or of individuals within the community/movement? For instance, from the experience of K S Satyamurthy, a Dalit founding member of the People’s War Group (PwG; one of many Maoist groups), we know that caste continues to be a pervasive phenomenon within the Maoist movement (Menon 2011). Though he was the leader and a founder of the group, state secretaries would poke fun at him for “not dressing well.” He stated that he was never given the respect that leaders from other castes received within the party. He said,

When K S [Kondapalli Seetharamaiah, belonging to the Reddy caste] entered the meeting room with committee members, everyone rose in a jiffy. But when I walked in, I could see they were hesitating. (Menon 2011)

Satyamurthy reported that jobs in the movement were assigned to members of the party based on their jobs in the outside world, reinforcing caste differences. He was even expelled from the party for trying to assert his caste identity within the party. Varavara Rao, a member of the movement, argues that there was no reason for Satyamurthy to assert his caste identity within the party. Rao is quoted as saying,

He [Satyamurthy] started saying he is first a Dalit, then a Christian and then a Marxist. How can that be? You are born into a caste and religion, but by consciousness, you become a revolutionary. (Menon 2011)

In any given community or movement, one will find a complex interaction of power either across individuals or subgroups. The assertion that one form of injustice should be placed above other forms of injustice within the movement would come at a high cost to justice within society. Like in the case above, ignoring injustice being perpetrated on caste grounds within the Maoist movement cannot be justified on the grounds of human rights. Being committed to furthering the interests of a given community, the Maoist position overlooks the complex power interactions within the community and neglects the injustice within. As we have seen in the case of Karamchedu, the Maoist position also overlooks injustice outside of the movement as, again, they are not directly pertinent to the interests of the community they represent and hence see it as a distraction from their cause. The liberal position, given its concern with justice for the society as a whole and not just a specific community, requires that one provide the same treatment to every type of injustice. As the liberal position is guided by the broad principles of justice that pertain to the interests of different communities and individuals, the principle applies to every individual or subgroup, both within and outside of the community.

We can state with some authority now that the communitarian view described above was widely prevalent within the human rights community in the 1980s (Dhanraj 2007). Balagopal was one of the few activists who approached the Karamchedu incident as a human rights violation, at a time when many of his colleagues felt that taking up such issues undermined their commitment to the Maoist movement (Dhanraj 2007). This, again, points to the limitations of being committed to a movement or a community, as opposed to being committed to the underlying principle of justice from a human rights standpoint. Balagopal’s decision to oppose the communitarian view came at a heavy cost to him personally, as, along with a few other activists, he was asked to leave the APCC, the primary and only functioning body for human rights in Andhra Pradesh at the time (Dhanraj 2007).

Attack on Liberty

In summary, we can see that there are two primary areas of disagreement between the liberal position and the Maoist position. The first concerns the use of violence as a means to justice. The second is with regard to the narrow focus on the interests of a given community, which leads to the neglect of rights violations both within and outside the community. I broadly refer to this perspective as taking a “communitarian approach” to justice. Both of these views are essentially an attack on the principle of liberty. The main distinction between Maoists and liberals comes down to a difference in commitments: while the Maoists are committed to the interests of a given community, liberals are committed to the principle of liberty. While the communitarian view reduces every fight for justice to a simple “us versus them”—a zero-sum approach to justice—the liberal position is concerned with the right principles to govern society taking into consideration a range of interests of individuals and groups; a variety of credible claims to justice. Recognising this distinction is important as it determines the goals we set for society (where every individual has a right to liberty) and the means we employ to achieve those goals (non-violent means). Also, note that while, for the purposes of this article, we have looked at the Maoist movement in particular, these pitfalls could arise within any movement. As long as the movement remains committed to the principle of liberty, the issues remain credible from
a justice standpoint. If the principle of liberty is undermined, the movement loses credibility from a justice standpoint.

**Liberal Qualities**

It is clear now to us that Balagopal was making an intellectual leap by taking this position within the human rights movement. However, as Balagopal himself says, this was not a position he always held. In fact, he admits that when a Dalit student asked him if violence against Dalits can be considered a violation of human rights, he argued against it. But, the Karamchedu incident forced him to change his view (Dhanraj 2007). Balagopal, on the other hand, had the humility to admit that he did not have absolute knowledge. This humility, then, allowed him to process new information and alter his perspective in response to it, regardless of his age, experience, or even his commitment to the cause (he was not considered a senior member in the human rights space when he was asked to leave the APCLC). Also, he understood that resolving human rights issues requires an intellectual problem-solving approach. In order to resolve an issue, one needs to ensure that personal biases are kept out and that one is open to new ideas. Humility, objectivity, and open-mindedness are commendable qualities that are rarely found together in any individual. Balagopal was one such rare phenomenon.

**References**


