

State Response to Maoist Violence in India: A Critical Assessment

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Maoist violence is the consequence of increased atrocities against scheduled castes and scheduled tribes (especially in the central tribal belt) and widespread tribal unrest due to commercialisation of forest resources. Ignoring such analysis and acting primarily on reports by the Intelligence Bureau, which is not equipped to study the multiple complexities of developmental conflicts, the Ministry of Home Affairs has resorted to brute police force to deal with the violence. But, as suggested by several reports, the problem should be handled politically and administratively, implementing the constitutional provisions for dalits and adivasis that have so far been ignored.

This article will argue that there is a policy crisis in relation to the handling of what is perceived as Naxalite/Maoist violence in the country. The crisis stems from mistaking the consequence for the cause. Maoist violence in the country is the consequence of non-performance on the basic issues related to tribal development as laid out in our Constitution. It may be more accurate to say that it is state violence and structural violence that is provoking Maoist counter-violence in the country. The issues in this regard are brought out briefly and clearly in the recent letter by B D Sharma, former Commissioner for Scheduled Castes (scs) and Scheduled Tribes (sts), to the president of India (Sharma 2010). A consequent organisational, managerial and information crisis exists in the Ministry of Home Affairs (MHA), once the nodal agency for the development and protection of scs and sts though it is now exclusively concerned with law and order matters.

1 Constitution and Maoist Violence

The core of the Constitution lies in the Preamble, “reinforced in the Fundamental Rights, amplified in the Directive Principles of State Policy and enshrined in the Fundamental duties” (Buch 2010). This is the basic structure of the Constitution, which cannot be amended. If within these four corners of the Constitution, tribal development polices had been pursued in true spirit, the problem of Maoist/Naxalite violence need never have arisen. This has not been the case ever since the inception of the Constitution, as fully amplified in the 28th Report of the Commissioner for scs and sts submitted to the president in 1986 and reiterated in B D Sharma’s recent letter.

The State response to Maoist violence in the national context analysed here

examines the important role of institutions such as the MHA, the Intelligence Bureau (IB), the central paramilitary forces (COPFS) and notes the absence of appropriate policy mechanisms; the inadequacy, amateurishness and ad hocism of the available policy professionals; absence of interdisciplinary inputs of knowledge, skill, vision and expertise; dependence on past precedents and reliance on the police structure, which has recently been described as a “dangerous anachronism” (HRW 2009). Humane governance has thus been a casualty at the central, state and local levels, which calls for far-reaching administrative reforms based on panchayati raj institutions (PRIS).

2 Changing Role of the MHA

We need to focus on the basic structure for conflict management in India at the district, state and central levels, which still retains its colonial nature (Subramanian 2007). In the 1970s, E M S Namboodiripad perceptively observed that India has “democracy at the top and bureaucracy at the bottom”. The MHA’s information on conflict situations stems mainly from the Indian Police Service-controlled IB which prioritises state security and public order maintenance. The IB is not equipped to study the multiple complexities of developmental conflicts but views all conflicts through the lens of its basic state security concerns.

Given the IB’s limitations on reporting developmental conflicts objectively, the ministry set up its own agency in 1967 – the Research and Policy (R&P) Division – to study and report on such conflicts independently. The Division worked very well but was soon converted into a convenient parking lot for officers moving from one job to another within the government. The IB reportage and the reports produced by the R&P Division often differed on facts and interpretations. However, the Division ceased to exist some time in the 1990s.

Further, as per Government of India Allocation of Business Rules, 1961, the MHA was in charge of the development and protection of the scs and sts, a major area of concern in the Constitution. Two separate divisions of the ministry dealt respectively with the scs and sts. Steps were taken in the 1980s to design and

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implement special measures for the development of these communities, including a Tribal Sub-Plan for the adivasis and a Special Component Plan for the dalits. Two joint secretaries were in charge. Special arrangements were in place to study and deal with “atrocities” against scs and sts. Increasing atrocities were seen as a contributory cause for the emergence of Naxalite violence. The two phenomena were studied in juxtaposition with each other and guidelines were issued to state governments on how to deal with them.

The sc/st Prevention of Atrocities Act was passed in 1989 to deal with atrocities and its implementation was supervised by the ministry. In the name of reorganisation, however, the Divisions dealing with scs and sts were transferred in the 1990s to a newly set up social justice ministry. Separate national commissions came up for the scs and sts. This arrangement does not appear to have worked well. From a nodal agency for the development and protection of dalits and adivasis, the home ministry gradually became just a law and order ministry. The obligation imposed by the Constitution on the State for the special care and protection of the dalits and adivasis was given less importance with the transfer of the subject to another ministry. The home ministry with its command over police forces across the country could have been a powerful agency for the delivery of social justice but it was not to be. This had a particular impact on “atrocities” management. In the early years of this century, these were increasing sharply in the central tribal belt (CTB) affected by Maoist/Naxalite violence.

3 Genesis of the Maoist Movement

Maoist violence, which originated in a single police station area in a single district in West Bengal, is now reported to have spread to over 2,000 police stations, in 223 districts across 20 states, as admitted by the home minister himself. And the police budgets of the union and state governments have reportedly gone up over a thousand-fold from 1967 to 2007. The lesson seems to be that a mere police response is far from adequate to respond to Maoist violence.

Though state violence tends to aggravate the cult of violence, the colonial

precedent of using violence to quell violence appears to have become customised with our post-colonial rulers.

The emergence of the Maoist/Naxalite movement was originally a result of irreconcilable differences within the Communist Party of India (CPI) over the nature and significance of the 1947 transfer of power. The “subaltern” historians of the 1980s have viewed the pre-1947 political arena as a site of “strategic manoeuvres, resistance and appropriation” by different groups and classes. Many of the contests remained unresolved despite independence. The 1947 “transfer of power”, which was a “passive revolution” à la Gramsci, ignored the interests of large masses of peasants and workers, leading to the phenomenon of “dominance without hegemony” by the ruling elite (Guha 2000). This “ontological divide” in politics led to intense debates on strategy and tactics within the communist movement, which led to the emergence of the CPI (Marxist-Leninist) and other Naxalite groups believing in the efficacy of armed peasant struggles for capture of political power. Two of these groups – People’s War and Maoist Communist Centre – united in 2004 to form the CPI (Maoist).

Though “public order” and the “police” are state subjects under the Constitution, the MHA plays the key role in formulating government policy to deal with Maoist violence. The prime minister stated at a chief ministers’ conference in April 2006 (he repeated it frequently) that Maoist violence is India’s biggest internal security threat. This was probably based on the IB analysis on the subject. Communism, based on the philosophy of violence and under the tutelage of foreign interests, has been perceived by the IB for long as a major security threat. The “normalisation” of the CPI and the CPI(M) by their adoption of the parliamentary path, led the IB to revise its understanding and project Naxalism/Maoism as the major security threat today.

The then home minister sent a large force of the Central Reserve Police Force battalions to the Naxalite/Maoist-affected states. He asked the states not to enter into a dialogue with the Maoists unless they gave up arms. “Local resistance” by vigilante groups (Salwa Judum in Chhattisgarh) was to be “up-scaled”.

Though the 2004 National Common Minimum Programme had said that extremist violence was not just a law and order problem but had deeper socio-economic roots, the state police agencies thought otherwise and acted on the suggestions contained in documents on “left-wing extremism” produced by the IB.

The MHA, influenced by the IB reports, further geared up to deploy CPFs on a massive scale. The MHA annual report for 2008-09 states that the states of Chhattisgarh, Jharkhand, Bihar and Orissa together accounted for about 86% of all incidents of Maoist violence in 2008.

Though the Constitution imposes a special responsibility on the Indian state for the welfare, development and protection of dalits and adivasis with special provisions in law and procedure for the purpose, the home ministry is no longer in charge of the subject.

The prime minister’s statement on Maoism in 2006 did not make even a passing reference to the growing violence against the dalits and adivasis. Interestingly, neither the newly created Ministry of Social Justice and Empowerment (now in charge of responsibilities for dalits and adivasis) nor the National Commissions for the scs and sts were invited to attend the 2006 and 2009 meetings of state chief ministers though this was required under the Constitution. Speakers came out strongly against Maoist violence but none referred to the vexed issue of the increasing violence against the dalits and adivasis especially in the CTB, as reported by the National Commission for the sts.

4 Deprivation and Tribal Unrest

The Maoist armed struggle reached an advanced stage after the Naxalbari phase (EPW 2006). It spread over a larger area and has survived for over two decades since the 1980s. The strongest guerrilla zone remains the Dandakaranya forest region in central India. Even though more widespread than before, the Maoists today have not been able to build powerful countrywide political movements. A relatively strong militant outfit with popular support in its areas of influence in the south, central and eastern regions, it is weak outside its core areas of influence.

The commercialisation and corporatisation of forest resources have reduced the indigenous communities' access to them. Alienation of tribal land and control by richer non-tribal elements from outside are significant factors in tribal unrest. Displacement due to the construction of large dams and other industries has impoverished these communities and strengthened their demand for tribal self-governance.

That government programmes for tribal development have had adverse consequences for tribal communities has been well documented in studies. The extension of PRIS to tribal areas can become an instrument of empowerment only after steps are taken to restore indigenous rights over land and forest. The setting up of the new states enables tribal participation in governance. However, decision-making at decentralised levels is ineffective due to the unchanged character and mindset of the administrative and police organisations.

B Mungekar, member of the Planning Commission, is reported to have prepared a report showing that between 1951 and 1990, 40 million people were displaced as a result of development projects. Of these, 40% were tribal people. Only 25% of the displaced have so far been "rehabilitated". The adequacy and quality of the rehabilitation have come into serious question especially in the context of the controversy over the Sardar Sarovar Project. In the light of this, it is not surprising that the Maoist movement has found support among those sections of STs who became victims rather than beneficiaries of development.

In this connection, the 28th Report of the Commissioner for SCs and STs submitted to the president in 1986 becomes relevant. It referred to the "backlash of modernisation" in the tribal areas. Its assessment was that the outcome of the developmental measures taken plus the adverse forces already at work was a negative one and marked a "slide back" in the fortunes of the dalits and adivasis notwithstanding some achievements in the sphere of reservations in government jobs. The report decried the "omissions, distortions, subterfuges and the studied silence on vital issues" in government policies which protected vested interests. The concern expressed in the Constitution's Fifth Schedule that the laws of the land should

be suitably adapted in their application to scheduled areas was ignored. The effect of non-recognition of the rights of the local community's command over resources had resulted in "disorganisation, displacement and destitution" of the adivasis. There could be no peace in the scheduled areas so long as the confrontation between the people and the state continued on the issue of self-governance, particularly with regard to the question of command over resources.

Role of the Police

In much the same vein, the 2008 Report of the Expert Group to the Planning Commission on "Development Challenges in Extremist Affected Areas" makes a profound analysis of the socio-economic situation in the states of Andhra Pradesh, Bihar, Chhattisgarh, Orissa, and Jharkhand and suggests that the problem of violence and terrorism should be understood in the proper development perspective and handled politically and administratively rather than by using brute police force.

Apart from the CPI (Maoist), which is the focus of official attention, there are a very large number of other groups whose methods of functioning differ on the extent of mobilisation of the people, role of the armed underground cadre, etc, though they all agree on the need for revolutionary change. Some of them are represented in elected bodies such as panchayats and legislative assemblies. Mass unrest is not reducible to dramatic incidents of terrorism. Popular participation in militant protests has always been a feature of Maoist mobilisation. The ban on the Maoist party and its mass organisations and the informal prohibition of such activities by the police in the case of other groups often rendered such activity impossible.

On the role of the police, the Report states:

...The methods chosen by the government to deal with the Maoist phenomenon [have] increased the people's distrust of the police and consequent unrest. Protest against police harassment is itself a major instance of unrest frequently leading to further violence by the police in the areas under Maoist influence. The response of the Maoists has been to target the police and subject them to violence, which in effect triggers a second round of the spiral. The

rights and entitlements of the people which give rise to the Maoist movement find expression in the Constitution, the laws enacted by various governments and the policy declarations. The administration should not have waited for the Maoist movement to remind it of its obligations towards the people in these matters.

The Report adds that the weaker sections do not have much faith in the police. They have no faith that justice will be done to them against the powerful. "Often it is as frustrating an experience to go to the police station as a complainant as it is fraught with danger to go as a suspect. One of the attractions of the Naxalite movement is that it does provide protection to the weak against the powerful and takes the security of, and justice for, the weak and socially marginal seriously."

The separation from the MHA of the two divisions dealing with the SCs and STs deprived it of its developmental character and reduced it to a purely law and order ministry. The winding up of the R&P Division did not help matters. A "deliberative democracy" such as India cannot afford to have a home ministry so uniquely deprived of insights arising from developmental analysis relating to conflict affected areas.

5 Achieving Closure

The letter to the president by B D Sharma notes the following points forcefully: (i) the virtual collapse of the constitutional regime with regard to the tribal people of India, who are now being attacked and suppressed in a war-like situation; (ii) the Fifth Schedule of the Constitution, regarded as "the Constitution within the Constitution" provides for the governors of states to write an annual report to the president on the administration of the tribal areas and the giving of directions by the president (para 3 of the Fifth Schedule) but no such directions have been issued in the last 60 years; (iii) the constitutional machinery of the Tribal Advisory Council (para 4 of the Fifth Schedule) has become extinct; (iv) state power extends to the tribal areas subject to the provisions of the Fifth Schedule; (v) Panchayat (Extension to Scheduled Areas) Act (PESA), 1996, which extends a "village republic" frame has remained virtually unimplemented in most states and so is

the case with the Forest Rights Act, 2006; (vi) the history of broken promises, predatory administration, co-optation through faulty development programmes and unconcern at the top has led to a massive displacement and multiplication of revolts. B D Sharma has requested the president to visit the tribal areas and rectify the defects in administration.

Even if the conflict is eventually resolved, the consequences of the violence and the wounds remaining in the human survivors and in the national psyche need to be healed and a reasonable degree of closure achieved so that the patterns of political violence and terrorism do not reappear (Wallace 2007).

The need for institutionalising efforts to attempt a healing process for societies such as India is important. "Closure" should be clearly identified as a core element during the periods of political violence with the focus on institutionalising human rights, especially as regards the state. Reconciliation is an obvious element of closure. So are transparency and justice. Closure should include judicial

measures ranging from war crime tribunals to informal village-level trials. The major achievement of closure would be transparency. Setting out the facts, opening whatever records are available and attempting honestly to answer the questions of victims provide a major impetus to healing. It promotes understanding as a first step to some degree of justice and the possibility of forgiveness and reconciliation. Transparency may be the most lasting result, a willingness to live with the truth (GOI 2008a; GOI 2007). In political violence, excessive means, sometimes clandestine, are used. Similarly, on security concerns the state often becomes a mirror image of the terrorist movement holding it necessary to use means that are illegal according to the Geneva Conventions. Recent developments in Sri Lanka are a good example (Wallace 2007; GOI 2008c).

However, studies do exist, which document reconciliation at the grassroots level involving civil society participation following the violence, such as in Gujarat in 2002 (Oommen 2007).

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