
NAXALISM AND THE LAW: SPECIAL REFERENCE TO STATE OF CHHATTISGARH

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ABSTRACT

After the Independence of India, the development of India led to the commercialization of forest resources, mining based lands and construction of large dams which resulted in the exploitation of tribal people along with destroying their natural environment, mining based industries and causes wide scale displacement of tribal people, peasants and landless laborers. This action of government ignite the fire on the tribal i.e. adivasis, as they are completely dependant on forest and its resources for their survival, to revolt against the government mechanism, losing faith in legal remedy they resorted to revolutionary thoughts and strategies developed by leaders under influence of Marxism. Which latter was recognized as Naxalism derived after the name of the village cluster.

The naxalite movement first came to the forefront in 1967 in the remote area of Darjeeling District, there is cluster of villages known as Naxalbari in West Bengal. Since then, it is perceived as the greatest threat to law and order within Indian. Naxalism signifies a particular kind of militant and violent armed struggle by the peasants and tribals who accept Marxist-Leninist ideology. In spite of Naxalism being termed as the biggest problem in Adivasi areas, the social problems are actually much wider in the form of unemployment, poverty and an untold number of socio-economic injustices.

In late 1990s, privatization and economic development were the main agenda of the ruling party like BJP and Congress. Various State Governments from time to time banned maoist outfits and initiated anti-terror law but without understanding and fulfilling the needs of peasants and tribal people. Development is without a doubt, very necessary in today's age but center government and the state government should make sure that it is not to be done at the cost of citizens.

The central reason for the advancement of Naxalism is the vast exploitation of the poor and tribal people. If they have been displaced, they should be given proper rehabilitation along with police protection. Security as well as

development has to run hand in hand.

In India, the movement has now advanced to the hilly and forest regions of around eight different states, with more than 150 districts are believed to be under its direct influence. It is mostly active in the tribal areas spreading from Andhra Pradesh to Bihar and Maharashtra, and also covering parts of Karnataka, Jharkhand, Madhya Pradesh, Orissa, Chhattisgarh, and Tamil Nadu. These areas are also known as Red Corridor of India. The state of Chhattisgarh became the first state of India that has taken a draconian measure for the protection of people by enacting the Chhattisgarh Special Public Security Act, 2005. The law also criminalizes any support given to Naxalites, with no defense of duress. Thus, persons whom the Naxalites force to provide assistance are subject to detention under this law.

Keywords: Naxalism, Maoist, Internal Terrorist, Adivasis, Anti-naxal laws and order

LITERATURE REVIEW

In his book titled, "*Law & Social Transformation*", author **P. Ishwar Bhat**, has interestingly provided an outstanding work on naxalism causes, course and cure. The author stated that, Amidst the strategies for Social Transformation, law is the most authentic and formal instrument. But in country like India, where strong tradition of collectivism and community-initiated ameliorative measures were employed, a bottom up approach of taking society into confidence of legal system is very much required. This book is eminently readable and the contents are easily accessible because they are set forth in a jargon-free language.

In their book titled, "*Law & Social Transformation in India*", authors **Malik and Raval**, have provided valuable insight into the naxalite movement. Here, the author rightly found that there is law even, for the war, but there is no law for violent groups and it is correct that nothing can be won in the manner of violence, but, it can be better if fought in the manner of non-violence that is by adopting the legal measures. In this book, the authors have concluded based on all the empirical data, facts and findings.

In the Article, "*Naxalite Movement in Chhattisgarh*", published by **The Campaign for Peace and Justice in Chhattisgarh**, which is a campaign group formed by individuals and organisations who are deeply concerned about the gross violation of human rights going on in Chhattisgarh in the name of fighting "internal terrorism". The publisher are extremely

concerned by the violence unleashed by the state backed Salwa Judum which has pushed Chhattisgarh into a civil war situation and the repressive Chhattisgarh Special Public Security Act, 2005 which is being used to crush all voices of dissent in the state.

RESEARCH QUESTION

What are the legal measures taken against the Naxalism by the State of Chhattisgarh?

OBJECTIVE OF THE RESEARCH

- i. To understand the evolution and meaning of the term Naxalism.
- ii. To know the legal provisions available against Naxalism
- iii. To find out what are the causes of naxalism in India
- iv. To study the measures taken by state of Chhattisgarh against Naxalism.
- v. To find out the effective measures against the Naxalism

RESEARCH METHODOLOGY

The researcher has undertaken the 'Doctrinal Research' study. It is library based research and elaborates the already existing facts. This study focuses upon understanding of operation of law. It includes book written by eminent authors, articles in magazines, journal, online articles, databases, newspaper's editorials, etc. Books and other reference materials from the ILS library were also helpful for the completion of this research paper.

SCHEME OF THE PAPER

The paper is divided into four chapters, which shall seek to answer the research question. They are as follow:

CHAPTER 1: INTRODUCTION

This chapter would deal with the short introduction about the topic i.e. Naxalism and the Law with Special reference to State of Chhattisgarh and will also provide for the evolution of Naxalism in India.

CHAPTER 2: CAUSES AND EFFECT OF NAXALISM

This chapter would define Naxalism as socio economic offence as looking into it as an offence against the society and its gravity and would provide for the root causes of Naxalism.

CHAPTER 3: NAXALITE MOVEMENT IN CHHATTISGARH

This chapter would deal with the measures taken by the Chhattisgarh State Government against the Naxalite Movement in the form of various governmental policies and the enactment.

CHAPTER 4: CURES OF NAXALISM

This chapter would deal with cures to tackle the problem of Naxalism including the legal measures taken by the government from time to time.

CHAPTER 5: CONCLUSION AND SUGGESTIONS

This chapter would provide conclusive remarks with the well-defined answer to the research questions possess by the researcher.

SCOPE OF THE PAPER

The scope of paper is limited to the Naxalite movement in State of Chhattisgarh and in-depth analysis of the legal provisions governing Security of People of Chhattisgarh against Naxalite attacks. Resultantly, the research would conclude with the well-defined answer to the research question posed.

SIGNIFICANCE

The research topic Naxalism and the Law is of great significance for checking and taking measures against Naxalism. Since Independence, many governments and political leaders have come and gone but nothing has changed in India's infamous 'Red Corridor'. This platform has provided us with insight into the causes and also with the cure of Naxalism.

NAXALISM AND THE LAW: WITH SPECIAL REFERENCE TO THE STATE OF CHHATTISGARH

“Without taking up the responsibility of organising the class struggle, if you launch an armed struggle, it will inevitably become terrorism. It degenerated into a terrorist campaign. I’ve given it a name; it’s an exercise in socialism in words, and terrorism in deeds,” –

Ashim Chatterjee¹

CHAPTER 1

INTRODUCTION

After the Independence of India, the development of India led to the commercialization of forest resources, mining based lands and construction of large dams which resulted in the exploitation of tribal people along with destroying their natural environment, mining based industries and causes wide scale displacement of tribal people, peasants and landless laborers. This action of government ignite the fire on the tribal i.e. adivasis, as they are completely dependent on forest and its resources for their survival, to revolt against the government mechanism, losing faith in legal remedy they resorted to revolutionary thoughts and strategies developed by leaders under influence of Marxism. Which latter was recognized as Naxalism derived after the name of the village cluster.

The naxalite movement first came to the forefront in 1967 in the remote area of Darjeeling District, there is cluster of villages known as Naxalbari in West Bengal. Since then, it is perceived as the greatest threat to law and order within Indian. Naxalism signifies a particular kind of militant and violent armed struggle by the peasants and tribals who accept Marxist-Leninist ideology. In spite of Naxalism being termed as the biggest problem in Adivasi areas, the social problems are actually much wider in the form of unemployment, poverty and an untold number of socio-economic injustices.

In late 1990s, privatization and economic development were the main agenda of the ruling party like BJP and Congress. Various State Governments from time to time banned maoist outfits and initiated anti-terror law but without understanding and fulfilling the needs of

¹ A member of the original Naxalbari, uprising who now mediates between the government and the Maoists.

peasants and tribal people. Development is without a doubt, very necessary in today's age but center government and the state government should make sure that it is not to be done at the cost of citizens.

The central reason for the advancement of Naxalism is the vast exploitation of the poor and tribal people. If they have been displaced, they should be given proper rehabilitation along with police protection. Security as well as development has to run hand in hand.

In India, the movement has now advanced to the hilly and forest regions of around eight different states, with more than 150 districts are believed to be under its direct influence. It is mostly active in the tribal areas spreading from Andhra Pradesh to Bihar and Maharashtra, and also covering parts of Karnataka, Jharkhand, Madhya Pradesh, Orissa, Chhattisgarh, and Tamil Nadu. These areas are also known as Red Corridor of India. The state of Chhattisgarh became the first state of India that has taken a draconian measure for the protection of people by enacting the Chhattisgarh Special Public Security Act, 2005. The law also criminalizes any support given to Naxalites, with no defense of duress. Thus, persons whom the Naxalites force to provide assistance are subject to detention under this law.

ORIGIN AND DEVELOPMENT OF THE NAXALITE MOVEMENT

On May 25, 1967, peasants uprising took place at Naxalbari in Darjeeling, many cadres and leaders from the State Communist Party supported the struggle and All India Coordination Committee of Revolutionary (AICCR) was set up. In 1970, first CPI (ML) congress was held in Calcutta. Charu Mazumdar was elected party general secretary. Revolutionary Writers Association (RWA) was formed in Andhra Pradesh. Majumdar was arrested in Calcutta in 1972, and died in lock-up. In 1980, People's War Group (PWG) was formed in Andhra and later, CPI (ML) Red Flag was formed. In 1986, Bihar banned PWG and MCC, Andhra Pradesh also banned PWG. CPI (ML) organized a national women's convention in Calcutta.

In 1995, a six member CPI (ML) group was formed in Bihar Assembly and NT Rama Rao relaxed ban of PWG for three months. In 1996 five members of ASDC made it to Assam Assembly and other members were elected to Lok Sabha. In 1999, CPI (ML) Party unity merged with PWG. Naxals killed Madhya Pradesh Transport Minister to avenge the death of three top PWG leaders in police encounter. In 2000, PWG killed Andhra Pradesh Minister Madhava Reddy; blew up a MP Police vehicle killing 23 cops.

In 2001, Naxalite groups all over South Asia formed a Co-ordination Committee of Maoist Parties and Organisation of South Asia (CCOMPOSA). In Oct, 2003, PWG made an attempt on Andhra Pradesh Chief Minister Chandra Babu Naidu's life and in May, 2004, Chandra Babu Naidu lost elections; and Congress came into power, called for talks with Naxal groups. But, ceasefire agreement between Andhra Pradesh Government and Naxalite lapsed in Dec, 2004.

Mega merger: In Sep, 2004, PWG and Maoist Communist Centre merged into a newly formed party called CPI (Maoist). Terror attacks were increased after this mega merger. The merger led to consolidation of resources and fighters and brought about a transaction from isolated, shoot and shoot attacks to daring multiple attacks on police and security forces.

CHAPTER 2

CAUSES AND EFFECTS OF NAXALISM

NAXALISM - A SOCIO ECONOMIC PROBLEM

Starting from 'Garibi Hatao' (Poverty Alleviation) to 'Poverty is a state of mind', Antyodaya ('serving the last man in the queue') to 'Sabka saath, sabka Vikaas' (Collective efforts, inclusive growth), they all look like poll platitudes. Since Independence, many governments and political leaders have come and gone but nothing has changed in India's infamous 'Red Corridor'. In the metros, people run miles in the morning to burn fat while nature's own people, the 'Tribals', also run miles in the morning, but in search of a meal. And this is the difference between India's poorest countryside and its affluent cities.

The over 40-year-old Maoist rebellion started due to mass poverty and conditions seem to have worsened with New Delhi's adoption of corporate neoliberalism. Industrial revolutions, whether European, Russian or Chinese, had led to in one way or another the expropriation of land, forest, river and other natural resources at the cost of poor peasants, and tribal communities that depend on these natural resources definitely suffered.

This is clearly visible today in the Indian economy's neo-liberal phase which started in the 1990s. For nearly two centuries, the British ruled over and exploited India. During that particular period, the Indian elite was somehow able to maximize its wealth. After Independence, the capitalist class of India carried forward the rapacious legacy of British colonialism against this 8.6 percent of its population (Census 2011). Successive governments including multinational companies have been grabbing mineral rich lands of the 104 million people. This process has impoverished, dispossessed and exiled tribals in their own land and has also driven them to join the Maoist movement, which claims to stand for their well-being and for addressing their grievances.

The exploitation of tribals by the government officials and police is rampant. There is large-scale corruption at the grassroots in the states like Jharkhand, Odisha and Chhattisgarh. And the poor tribals are the worst victims of corruption. This gives strength to the Maoist insurgency. Whatever is said about the public distribution system for food security, or the much talked about developmental works, their performance has not been satisfactory in the Bastar

region of Chhattisgarh, for example. There are schools, but there is nobody to teach. This one sentence sums up the education system.

According to a report in the *Times of India*² titled ‘Diseases, not Maoists, kill most CRPF men in Red zone’, “*More CRPF men have died due to malaria and heart attack than have fallen to Maoist attacks in the 106 Naxal-affected districts in the country.*” This shows that the government is not providing good health care even to security personnel in Naxal-affected areas, forget about the common man. Sometimes, the media reports police brutalities. But rape, loot etc. happens all the time under the nose of these very security forces. Recently, there was a report of the gang-rape of 13 innocent women in Basaguda block of Chhattisgarh by police.

Maoists and their brutal attacks are not justifiable at all. Violence in any form is condemnable. However, the State should also start engaging with the people. Economic disparity and growing distance between the poor and the rich needs to be reduced to weaken Naxalism and to eventually annihilate it. The downtrodden still face discrimination from upper caste people. The government needs to make sure that tribals enjoy equal participation in the electoral process, especially for contesting in the polls. They must pledge to stop environmental degradation. A clean and safe environment is everyone’s right. Rehabilitation and resettlement of lands is a very big issue and there is a need to mitigate grievances regarding this with effective measures. Schemes like MGNREGA should not be sidelined as they generate employment and increase wages for the deprived sections of our society.

The government should initiate a practice through which rebels and the state can work out a solution. Once the socio-economic conditions of the tribals improve Maoism in India will vanish. For this, India needs good governance in every sector without any loopholes. The state should tackle the Naxal menace as a socio-political issue instead of a law and order problem³.

What ‘ignited the fire’ to what is believed to be India’s biggest law and order problem?

Naxalism signifies a particular kind of militant and violent armed struggle by the peasants and tribals who accept Marxist-Leninist ideology. In spite of Naxalism being termed as the biggest

² The Times of India, Raipur Edition 10 November 2018

³ The Naxalites: India’s Extreme Left wing Communist, Central Intelligence Agency, published on www.cia.gov.in

problem in Adivasi areas, the social problems are actually much wider in the form of unemployment, poverty and an untold number of socio-economic injustices. Here are some points to justify the statement: What 'Ignited The Fire' To What Is Believed To Be India's Biggest Law And Order Problem?

1. India's development paradigm pursued since Independence led to commercialisation of forest resources, reducing the traditional access to forest produce. Besides destroying their natural environment, mining-based industries and the construction of large dams caused wide-scale displacement of the tribals.

2. In the late 1990s, privatisation and economic development were the main agenda for the ruling parties like the BJP and Congress. On the other hand, one of the major wings of Naxalism movement, the CPI-Maoist tried to keep the struggle alive on behalf of workers, rural poor and the lower middle classes who suffered tremendously and, largely, silently in the name of economic reforms. The Communist Party of India (Marxist- Leninist) which was formed in 1969 advocated armed struggle and condemned participation in parliamentary elections and work in mass movements.

3. In spite of the government laying down a clear plan to tackle the left-wing extremism like launching a Police Modernization Scheme in areas affected by Naxal movements, the bill for safeguarding land rights introduced by the UPA, etc which were all modest measures in the right direction, the local elites still continued to manipulate the Panchayati Raj structures, as it was noticed. Such a move gave fuel to the already ignited fire to the tribals to start the Naxalism movement.

4. The police and paramilitary organisations' approach to the 'Naxalite' problem exposed weakness within state governments. Various state governments, from time to time, banned Maoist outfits, without developing any consistent policy to deal with such elements. Without understanding their needs and issues, such bans, along with preventive detention or anti-terror laws that allowed the police to come down heavily on such groups, created a feeling of unrest amongst the Naxals.

Development is, without a doubt, very necessary in today's age but the Central and State governments should make sure that it is not done at the cost of citizens. Having said that, the Naxalite movement attempted to achieve equity in the society by means of a mass movement

and struggle, and they did achieve it to some extent but at the cost of the economic development of the state. There has been a range of violence which has had no direct consequence on the rights of people but invariably ended up harming masses by way of disruption in the elections, destruction of schools, trains and rail lines, etc. A mutual understanding, therefore, should prevail which can end Naxalism.

Naxalites are powerful and effective in some areas in India because of the unresolved contradictions and issues in our society. They have proved effective because they have an ideology that inspires youth apart from having an organisational structure and armed groups. Proper enforcement of land ceiling laws, utilisation of the funds provided to the government to the maximum could be the solution to this problem. The central reason for the advancement of Naxalism is the vast exploitation of the poor and the scheduled castes. People, who have been displaced, should be given proper rehabilitation along with police protection. Security, as well as development, has to run hand in hand⁴.

CAUSES OF ARISING NAXALISM

Any national movement cannot arise due to general causes. Generally, such movement has taken place due to many causes, which are implicit result of long journey, not of a few times. Some causes of naxalite movement may be explained in the following manners⁵.

(i) Frustrated Youth: First cause of the naxal movement is the frustrated youth. The youth are frustrated because of poverty and unemployment. This cause is more severe than any other, because the youth are the power of any revolution of any community. The youths of Naxal community should be facilitated with all kinds of employment and education. Initially, this movement started from one village, but, has taken the shape of a national movement. Youth of this community is not getting education and if they are getting education then they are unable to have employment.

(ii) Share croppers evicted: Take the case of share croppers, why cannot the question of share croppers be settled? The law gives them certain rights. After they cultivate a piece of land for so many years, they get occupancy rights and they cannot be evicted. But in Bihar and Bengal

⁴ Tabu Agrawal, What 'Ignited The Fire' To What Is Believed To Be India's Biggest Law And Order Problem?, www.youthkiawaaz.com

⁵ Malik & Raval, Law & Social Transformation in India, Allahabad Law Agency, 3rd Edition- 2011, page no.- 520-523

the landowners are free to evict them and they did evict them. What do you think is happening in Purnia and other areas? Thousands of share croppers are being evicted because the landowners have the right to resume the land; because these poor people do not have even a chit to prove that the land was in their cultivating possession. They cannot prove it in a court of law. These things are happening today and the law is absolutely important to help these poor people.⁶

(iii) People are losing hope in Government: Jaiprakash Narayan found that the people were losing hope and they felt that nothing will come of any Government. When saw the situation in Bihar he also began to share their feelings. One after the other, changes in the Government have taken place, but, nothing has changed. With all the programmes and the activities of Gandhi Centenary year, if the problems of the people are not solved democratically, what other recourse will the people have except violence? Therefore he said, what India needs today on their political agenda is non-violent social revolution. Not only from the moral point of view but also from the political point of view, this is one of the essential items on the political agenda of India. Otherwise violence will grow. He didn't care about the Naxalite movement and it is growing to grow.

(iv) Naxalism is a political ideology, not a socio-economics movement: Naxalism is a political ideology and it is not a socio-economics movement aimed at the betterment of Tribal/Rural poor. The social and their geographical location provides a 'classic situation' for Naxalites to test out their ideological tactics of guerrilla warfare, Peoples War and Rural based Revolution. Assuming that the 'tribals' lot improves, Naxals would simply shift their scene of operations to where 'exploited classes' exist and geographical conditions are conducive to guerrilla war.⁷

(v) Distribution of natural resource productive benefits: Shifts in natural resource productive benefits between social groups have created opportunities for Naxalites to emerge in these areas. Focusing attention on two regions, Bhojpur and Telengana, changes in distribution of natural resource benefits may have provided for enduring conflict. Natural resources are one of the prime reasons but not the sole reason.

⁶ Jaiprakash Narayan, *voluntary Action*, 1969

⁷ Dr. S. Subramanian, *Naxalism : Fact, Fiction and Future*. (www.aapsindia.org/article/art3)

(vi) Slow implementation of land reforms: The slow implementation of land reforms is the main reason for the growth of Naxalism. Landlords frequently moved the court to delay implementation of these reforms. They also connived with local politicians and bureaucrats, making the land reform process slow and cumbersome. Land reforms failed in the end.

(vii) Social structure: The social structure of society in these areas could be cited as an important reason for emergence of the Naxalite problem. Invariably, Wherever the Naxalite problem exists, there is a poor section of society, with no resources to meet their daily requirements. William Ivey is correct in not attributing the caste or tribal structure as a reason for the problem. The poor include various castes and not any particular caste or group of castes. However, their poverty and lack of ability to improve their lot due to financial Constraints by accessing education, the government machinery or even legal remedies remains an important factor for their supporting the Naxalites.

(viii) Poverty: Though poverty limits their reach, there has been a limited exposure to these ideas of the younger generation, making the situation dangerous. The local adage that little knowledge is more dangerous embodies the problem in rural areas. The younger generation wants to have the facilities that are available in urban areas, which remains a distant dream given the infrastructural problems and the failure of governments to perform. Schooling is poor if not non-existent; hence the rural youth fight a losing battle against their urban youth counterparts. This forces them to return to rural areas, still aspiring for urban facilities.

(ix) Poor governance: The failure of the government to reach out to these areas is another major factor that aids the growth of Naxalism in these areas. The governance is poor or worse, in certain places it is non-existent. Popular schemes take long to devise but longer to implement. Even while implementing, the benefits always reach those who are the 'haves' and not those who are in need. The failure in formulation and implementation of the right schemes at the right time, and targeting the right people is the major problem. Despite the rise of the Naxalite problem, the State failed to tackle it effectively by providing the needed economic and political measures. The State failed to perform its duties; in short, governance, or the lack of it, in these areas is a primary reason for growth of the Naxalite problem.

(x) Collecting of funds: On the contrary, the Naxalite groups have been collecting levies from the local population. They collect funds from individuals, groups, and even Government officials as commissions for letting them function in areas that are under their control. This

money is used by the Naxalite groups to buy arms and recruit new members, especially from the unemployed youth in rural areas. Since the Naxalites provide a monthly salary and uniform, they have become popular amongst the unemployed youths. Thus, the growth of Naxalite movement is clue to various factors⁸.

NAXAL AFFECTED STATES: (i) Chhattisgarh, (ii) West Bengal, (iii) Bihar, (iv) Jharkhand, (v) Andhra Pradesh, (vi) Maharashtra (Vidarbha), (vii) Uttar Pradesh (Eastern), (ix) Odisha and (x) Madhya Pradesh

CASUALTIES DUE TO NAXAL VIOLENCE

The Naxal violence over a period of five years has claimed nearly 10,000 lives, which includes civilians and security personnel. It has become a kind of cancer for India. It is high time for government to take steps to eradicate this cancer. If one has to believe on statistics, then out of 9,829 casualties which happened between 2005 and 2009.⁹ The table below implies that the Naxals valance have killed at an average of 1964 per year or eleven persons in two days during 2005-2009.

The reported casualties (death) may be listed as follows-

Table 1

Deaths caused in Naxal Violence, during 2005-2009¹⁰

Year	2005	2006	2007	2008	2009	Total	Average @ p.a
Casualties	1952	1999	1737	1769	2372	9829	1964

⁸ Malik & Raval, Law & Social Transformation in India, Allahabad Law Agency, 3rd Edition- 2011, page no.- 520-523

⁹ An article "Naxal has become a kind of cancer for India" published on merinews.com

¹⁰ Information released by Government of India under RTI, and published on various news web, like, merinews.com on October, 2010

The State wise break up of Naxalite Violence profile is given in the following table:

Table 2

State wise extent of Naxal Violence during 2010 to 2017¹¹

State	2010	2011	2012	2013	2014	2015	2016	2017
Andhra Pradesh	100	54	67	28	18	35	17	26
Bihar	307	316	166	177	163	110	129	99
Chhattisgarh	625	465	370	355	328	466	395	373
Jharkhand	501	517	480	387	384	310	323	251
Madhya Pradesh	7	8	11	1	3	0	12	3
Maharashtra	94	109	134	71	70	55	73	69
Odisha	218	192	171	101	103	92	86	81
Telangana	NA	NA	NA	8	14	11	7	5

¹¹ Government of India, Ministry of Home affairs, under Chapter-2: Internal Security of its Annual Report 2017-18.

Uttar Pradesh	6	1	2	0	0	0	0	0
West Bengal	350	92	6	1	0	0	0	0
Others	5	6	8	7	8	10	6	1
TOTAL	2213	1760	1415	1136	1091	1089	1048	908

The Left Wing Extremism (LWE) scenario, while remaining an area of concern for internal security of the country, exhibited significant improvement over the recent years. The declining trend of LWE violence which started in 2011 continued in 2017 as well. The last four years have seen an unprecedented improvement in the Naxal scenario across the country.

Chhattisgarh remains the worst affected state followed by Jharkhand, Bihar, Odisha and Maharashtra. Chhattisgarh, despite being the core area for Naxal activity, recorded a 5.6% decrease in incidents of violence. The improvement in LWE scenario can be attributed to greater presence and increased capacity of the Security Forces across the LWE affected States, better operational strategy and regular monitoring of development scheme in affected areas¹².

¹² Government of India, Ministry of Home affairs, under Chapter-2: Internal Security of its Annual Report 2017-18.

CHAPTER 3

NAXALITE MOVEMENT IN CHHATTISGARH

1. CHHATTISGARH SPECIAL PUBLIC SECURITY ACT, 2005

(Chhattisgarh Vishesh Jan Suraksha Adhiniyam, 2005)

The state of Chhattisgarh is the first state to have taken legislative measures for the security of the people in the State against Naxalism. The draconian Chhattisgarh Special Public Security Act, 2005, passed by the Chhattisgarh assembly in December 2005 and notified in March 2006, is a perfect example of legislation enacted in the garb of security and protection, leading to increased repression and suppression of peoples' rights.

The CSPSA provides provisions that are far more draconian than any of the national security legislation and even authorises the police to detain a person for committing acts, which among other things, show a "tendency to pose an obstacle to the administration of law". The act goes on to state that any person whose actions "encourage(s) the disobedience of the established law" will be considered "unlawful".

Despite statements that the Act was meant to combat the growing Maoist threat, it is clear that this legislation is meant to suppress all political dissent in the state. This is evident from the fact that Maoist groups were already banned under 2004 amendments to the Unlawful Activities (Prevention) Act, 1967. These fears were galvanized with the use of the Act against civil rights activists such as Dr. Binayak Sen.

CAMPAIGN FOR PEACE AND JUSTICE IN CHHATTISGARH (CPJCG)

The Campaign for Peace and Justice in Chhattisgarh is a campaign group formed by individuals and organisations who are deeply concerned about the gross violation of human rights going on in Chhattisgarh in the name of fighting "internal terrorism". CPJCG are extremely concerned by the violence unleashed by the state backed Salwa Judum which has pushed Chhattisgarh into a civil war situation and the repressive Chhattisgarh Special Public Security Act, 2005 which is being used to crush all voices of dissent in the state.

WHAT IS SALWA JUDUM?

Since June 2005, the Government of Chhattisgarh, with the support of the Home Ministry has been waging a counter-insurgency operation against the Naxalites in the guise of a 'spontaneous', 'self-initiated', 'peaceful', 'people's movement' named the Salwa Judum in Dantewada district of Chhattisgarh. The district administration claims that upset with the Maoist strike call on collecting *tendu* leaves and opposition to development works like road construction and grain levies, people in some 200 villages began mobilizing against the Maoists, going on processions and holding meetings.

However the fact is that the Salwa Judum is being actively supported by the Chhattisgarh Government. Far from being a peaceful campaign, Salwa Judum 'activists' are armed with guns, *lathis*, axes, bows and arrows. Up to January 2007, 4048 "Special Police Officers" (SPOs) had been appointed by the Government under the Chhattisgarh Police Regulations. They actively participate in the Salwa Judum and are given military and weapons training by the security forces as part of an official plan to create a civil vigilante structure parallel to that of the Naxalites.

Though exact figures are not known, over the last two years, at least 1, 00,000 people have been displaced and the lives of at least 3, 00,000 people from the 644 "liberated villages" has been completely disrupted, because of Salwa Judum. People are forcibly picked up from their villages and are confined into 'relief camps', where they face acute shortage of food, water and other basic amenities. The condition of several thousands who have been forced to migrate to neighbouring states and districts is even worse. All those villages which have not come into camps are deemed "Maoists" villages and denied all health, education and other facilities, including access to markets. A large number of people have thus been denied their fundamental rights

There has been a complete breakdown of civil administration and the rule of law in Dantewada district and Salwa Judum 'activists' have become vigilantes who assert the right to control, intimidate and punish anyone they consider to be a suspected Naxalite. Cases of murder, loot, arson, rape and other violence and atrocities by Salwa Judum go unreported. The Government does not accept responsibility for the actions of the Salwa Judum 'activists', it sponsors, encourages, promotes and assures them full state protection and grants them impunity to operate as an extra-legal authority within the district. The Maoists also retaliate with attacks on

camps, SPOs and police. According to State government's own figures, Salwa Judum has only intensified the violence from both sides.

The Government's only response to Maoist insurgency has been to militarize; step up police operations and to pit civilians, in the name of Salwa Judum, against Maoists and against each other. By resorting to such measures, the government has seriously challenged the efficacy of democratic and constitutional means of finding solutions to people's problems. It has completely failed to address the root of the discontent, the deprivation and alienation of Adivasis, which form basis of the Maoist foothold in Dantewada.

The Supreme Court, which is hearing writ petitions on Salwa Judum in Chhattisgarh asked National Human Rights Commission to constitute a fact finding committee that would prepare a report on allegations "relating to violation of human rights by the Naxalites and Salwa Judum". The report, prepared by a group set up by the police wing of NHRC makes no pretence of neutrality or objectivity. It reads like a partisan statement, whose tone and tenor is to protect the Salwa Judum and its image from being tarnished by allegations of crime¹³.

2. FACT FINDING REPORTS ON SALWA JUDUM BY CPJCG¹⁴

- **PUDR, New Delhi, 17 May 2005: When the state makes war on its own people: Violation of peoples rights during the Salwa Judum**

Excerpt:

...A lesser known truth is that, as a consequence of the Salwa Judum, the lives of thousands of people in the region are being torn apart in the course of what the Deputy Superintendent of Police, Dantewada, himself described as "aghoshit yudh", an "undeclared war". In just the last few months, about 30,000 people have been displaced from their homes. Approximately 15,000 people from 420 villages are living in temporary camps as refugees, as per official estimates. Perhaps an equal number are living with relatives in other villages or in rented accommodation. Some reports suggest that 96 people from about 34 villages have been killed till November 2005.

¹³ K. Balagopal, The NHRC on Salwa Judum: A Most Friendly Inquiry, www.jstor.org

¹⁴ Campaign for peace and justice in Chhattisgarh, <http://cpcj.wordpress.com>

- **Independent Citizens Initiative, 20 July 2006, War in the heart of India**

Excerpts:

...The Salwa Judum has been responsible for a huge amount of violence in the district, which includes killing civilians, burning and looting their houses, and raping women. Rather than stopping Maoist violence, it has actually led to an increase in retaliatory killings by Naxalites.

...The creation and support of the Salwa Judum has divided entire villages and families, perhaps irreversibly. They are forced either to choose the Maoists or the Salwa Judum. Official figures state that 644 out of 1153 villages or nearly 56% are involved in the Salwa Judum. A cycle of retribution and revenge has been set in motion, with the Salwa Judum targeting villagers believed to be sympathetic to the Maoists and the Maoists in turn killing those active in the Salwa Judum.

- **Human Rights Forum, December 2006, Hyderabad, Death, Displacement and Deprivation; The war in Dantewada: A Report**

Excerpts:

...That the Salwa Judum is not a popular upsurge against the Maoists but an instrument of the establishment is the one fact about which there has never been any doubt. Not only civil rights organisations and the leftist publications but the mainstream Press too has said so, in report after report. And there is also little doubt that it is an abominable instrument of suppressive politics.

- **CAVOW, December 2006, Salwa Judum and the Violence on Women in Dantewara, Chhattisgarh**

Excerpts:

...methods like the Salwa Judum and the wanton militarization of society in Dantewara is not the way to solve the problems of underdevelopment and political dissent in the area. Dantewara today is heavily militarized, leading to brutal repression of an impoverished people seeking social justice. People we interviewed showed no ownership of the movement. It is telling that the people refer to it as only Judum minus the Salwa. "Yeh judum khatam ho jata to accha

hota” and “jabse yeh judum shuru hua hai, azadi khatam ho gayi hai.” were common refrains we heard over and over again.

EFFECTIVENESS OF THE MEASURE

Despite the Chhattisgarh government's two-pronged strategy of police operation combined with socio economic programmes against the Naxalites, there appears to be deterioration in the law and order situation in the state due to the escalation of Naxal violence. Frequent use of police forces against tribals in the name of anti-Naxal operations, forceful eviction due to mining and the establishment of industries by the state machinery have left the Bastar region of Chhattisgarh a virtual battle zone. Of late, the Naxalites' new tactics of deception against the security forces personnel engaged in anti-Naxal operations has further worsened the situation. In general, people in the State are feeling insecure in the face of frequent attacks on the security forces.

The attack raises questions on the counter-insurgency strategy adopted by the state as well as about the nature of the Naxalite movement there. Instead of treating the conflict as a law and order problem, state authorities should understand the true nature of the problem. What the Naxalites are engaged in is an agrarian and livelihood based revolutionary war, in which man, not weapon, is the decisive factor. The Chhattisgarh government has consistently failed to provide basic infrastructure - schools, hospitals, roads, and gainful employment to the tribal groups. At the same time, the tribal groups' access to natural resources is being increasingly curbed due to stringent forest and mining Acts formulated by the State from time to time. These policies have consistently deprived them of their fundamental rights. As a result they have become easy recruits to the Naxalite cause. Moreover, although the State adopted a pro-business Mining policy in 2001, it is yet to formulate a Rehabilitation and Resettlement (R&R) policy.

To bring the alienated masses to the mainstream of governance, ecological regeneration programmes should be introduced in rural areas. In fact, considering the different approaches and recurring failure of the Naxalite affected states in managing the conflict, the Union government should take the initiative to declare a people friendly Resettlement and Rehabilitation policy at the national level and generally assume a more proactive role

in co-ordinating efforts to tackle this single biggest internal security challenge facing the country¹⁵.

¹⁵ K.S. Subramanian, Reflection on Naxalism in Chhattisgarh, www.jstor.org

CHAPTER 4

CURES OF NAXALISM

A problem arises in any developing country just like India four decades, before and politicians could not control it by any powers. The Central Government and the State Governments also have made all possible efforts, but the problems start from one village and have spread over into 13 States, and lost thousands of people and property valued in arabs. The Governments have expended much money and lost many police personnel. Police can at best deal with the criminality involved in Naxal violence, but they cannot remove the deep seated socio-economic causes. Now the Central Government is providing the helicopters facility to cover the affected States.

The days have come to tackle the problem in the alternative approach. These groups are socially, politically and economically discarded. The Government must use “Push-theory” of economies, which says that push one particular area at a time. The amount that the Government is expending on the fight against this problem and paying as compensation to the victims should be engaged in developing the most affected area first. The Government is also not sitting quietly but taking steps to remove this problem. Some cures may be tackled in the following manner¹⁶.

(i) Police need tactical intelligence: To fight Naxalites, police need tactical intelligence, which can be obtained only through the cooperation of the local people. Intensive police action, by its very nature, will be intrusive and oppressive. Rural poor value their privacy and resent intrusions. Added to this, senseless custodial violence and ‘Fake encounters’ by the Police, exacerbate the alienation and also provide the grist to the anti-government propaganda mills. While the State has a duty to protect its citizens from Naxal violence, it has also an equal responsibility to protect the people from police excesses unleashed in the name of anti-Naxalite operations. The basic rights of the have-nots to lead a dignified life should not be trampled upon. It should be remembered that nowhere in the world, force alone has succeeded in eliminating political violence and in fact, far-sighted political moves have brought peace to the troubled lands.

¹⁶ Malik & Raval, Law & Social Transformation in India, Allahabad Law Agency, 3rd Edition- 2011, page no.- 523

It is an undeniable fact, that the socio-economic conditions of the rural poor and the Tribals in the affected areas are deplorable and all the proclaimed developmental activities are only on paper and do not exist on the ground. Exploitation by the money-lenders, land grabbers, forest contractors and petty bureaucrats goes on unabated. There are well thought out and well meaning schemes on the board but none have been faithfully implemented.¹⁷

(ii) Remove the basic socio-economic causes: To bring peace to the affected areas, we must get rid of the mindset that police action can solve political problems. A two pronged approach should be adopted. In the first place, steps are to be taken to remove the basic socio-economic causes for rural discontentment. Secondly, a well conceived highly professional plan to deal with the criminality unleashed by the Naxals should be implemented.

To alleviate socio-economic problems, there is a need to set up a high powered machinery to eliminate Benami holdings in the affected areas; assign surplus land to the landless poor; ensure payment of minimum wages; supply of essential commodities at subsidized rates; launching of 'Food for Work' programmes for the rural poor, particularly in the forest areas; permitting the Tribals to collect minor forest produce; abolition of bonded labour; etc. Special Missions are to be launched to improve communications; provide vocational training to local youth to obtain employment locally; provide drinking water and medical services in the interior villages; etc. A senior officer of the rank of Additional Chief Secretary should be appointed to deal with this problem in each of the affected districts and he should be granted full financial powers of the Government to take quick decisions on the spot. Special efforts are to be made to provide employment for the tribal and rural youth in Police, Forest and Agricultural departments.¹⁸

(iii) Police must be friendly: Better and closer supervision by senior officers to prevent custodial violence and 'Fake Encounters' is called for. Special training programs are to be organized to bring about an attitudinal change and to make them people friendly. It should be ingrained in them that they cannot succeed without people's cooperation and the same will be forthcoming only when police become more humane and respect the Human Rights. Police personnel should be associated with developmental activities in interior areas so that they come closer to people in positive environment. Often, Police compare themselves with Naxals and point out that the Human Rights violations by Naxals are not condemned and only Police are

¹⁷ Dr. S. Subramanian: Combating Naxalite Violence published in monthly magazine future-Police and Security (www.aapssindia.org/article/art2)

¹⁸ Dr. S. Subramanian: Combating Naxalite Violence. (supra)

taken to task. It is necessary to educate the police, that law enforcers are duty bound to honor the constitutional obligations and the 'Outlaws' are under no such obligation.¹⁹

(iv) Government has started to train SPOs: Bangapal Camp, (Dantewada), statistic says that around 46,000 men, women, and children are lodged in 27 camps across five blocks in the district, some activists have also been appointed as Special Police Officers (SPOs), a high-sounding nomenclature which ensures them Rs. 1,500 pm. and makes them the first line defence against Maoists. The official says that they are going to train 5,000 SPOs, and 1,000 have been trained.²⁰

(v) Strategy to thwart Naxal menace: On 30th Aug, 2006, as part of its multi-pronged strategy to thwart Naxal menace, the Centre had reviewed the situation in 13 affected States at a high-level meeting of Union Home Secretary with Chief Secretaries and Director Generals of Police of the affected States. The quarterly meeting of the coordination centre has reviewed the status of various policies involving intelligence gathering, networking and coordination between the Centre and Naxal-affected States. Security of jails and armouries and strict enforcement of laws to curb Naxal violence are some other issues. The Union Home Ministry will provide air support to the seven States worst affected by Naxalism, while rushing one more battalion of forces trained in jungle warfare for Chhattisgarh. While analysing that Maoist violence had not shown any improvement in Chhattisgarh, the ministry had already provided 12 battalions of Para-military forces to the State. The personnel of the new battalion are being trained in jungle warfare.²¹

(vi) Peace talks with Naxalite leaders: When in Andhra, both the State and Naxals were talking peace, in eastern U.P. they have promised to fight it out. Even, as the ceasefire lapsed in the mid of Dec, 2004, in Andhra two developments have brought Naxalites back into limelight. First, the decision of the PWG, now the CPI (Maoist), to agree for the task with the Andhra Pradesh Government and second, is the killing of the 18 police and forest officials in two incidents by Maoist in Chandauli near Varanasi; it is early to predict a return to violence.

According to the Home Minister of Andhra Pradesh, the Government was considering distribution of land to the poor as sought by the Naxalites, and Commission to identify excess

¹⁹ Ibid.

²⁰ Times of India, Ahmedabad Ed., April 14, 2006.

²¹ D.D. News, 30th and 31st August, 2006.

land is on the anvil. CPI (Maoist) emissary Varavara Rao says the Maoists are willing to discuss all issues concerning the people. *"Peace, self-reliance and lands to the tiller are the focal points of the agenda for the talks"*. This in fact marks a big change in Maoist politics. Peace was to be achieved through the gun. Over 5,000 people have been killed in Naxalite-State violence in Andhra Pradesh since 1968. The positive aspect about the talks is that the Government has acknowledged that there are socio-economic reasons behind the violence and the Maoists have accepted that there are spaces within the State to address these problems.²²

(vii) Tribal areas were notified as 'disturbed areas': Almost all the tribal areas in the State of Andhra Pradesh were notified as 'disturbed areas' under the AP Suppression of Disturbances Act, 1967 in a 'notified area', any assembly of five or more becomes an unlawful assembly. Even a junior police officer is empowered to open fire to disperse such an assembly. The abuse of a repressive law led to a policy of staged 'encounter killings'. Often, activists were picked up outside the 'notified' area, taken inside the 'notified' areas and shot dead. During this period, Naxalite activists were reported killed in large numbers and their leaders prosecuted. Further, a large number of activists endured a prolonged trial on charges of conspiracy to kill, murder and pillage plus conspiracy to wage war and sedition. While most of the accused were tried for overt acts, the prosecutions were all tied together and projected as offences committed in pursuance of a conspiracy, which is a distinct offence in law. All pending or concluded cases were put in a trial for conspiracy. The 1970 Act provided that every ground in the detention order could be deemed sufficient for a detention, circumventing the requirement under Article 22 (5) of the Constitution that the grounds shown must have some relevance to the activities of the detainee. By declaring that one or the other ground was relevant, the Act created a fiction, which in effect dispensed with the heed to satisfy the authorities regarding a threat to law and order.

(viii) Conference of all CMs of Naxal affected States: Naxalite violence has assumed threatening proportions in recent times and has engulfed Andhra Pradesh completely and the contiguous areas of Maharashtra, Madhya Pradesh and Orissa partially. Chief Ministers of the affected States met under the Chairmanship of the Union Home Minister at Hyderabad to consider ways and means to deal with this problem. At the end, it was concluded, that all of them had a "firm resolve and a strong collective determination to put the problem of Naxalism behind us". The methodology suggested was to enact more stringent laws and to equip the

²² The Rising: Naxalbari to now: By Amritlal, TOI, 19th Dec., 2004

police to deal with the problem more firmly! A high powered monitoring group has also been set up to coordinate police action in all the affected States and to review the situation on a monthly basis. The Centre has also expressed its willingness to share the expenditure.²³

(ix) CMs meeting with Prime Minister Naxalite antidote : A meeting was held of all six most Naxals-affected States' Chief Ministers (A.P., Jharkhand, Orissa, Maharashtra, MP. and Chhattisgarh) with Prime Minister in April, ' 2006. In this meeting extra paramilitary was demanded by the States. While accepting this demand, the Centre cautioned the States to ensure their own police forces avoided any form of brutality during anti-Maoist Operations. The States also demanded helicopters so that forces could be sent faster during a Maoist attack and the injured evacuated more quickly from jungles, inaccessible by road. Home Minister said a plan would be drawn up and sent to the cabinet committee on security.

Observing that the spread of Naxalism was a worrying factor, Prime Minister has said "effective arrangements" are being worked out to tackle the problem. The measures to tackle the problem were two-fold, improving policing, security and intelligence, and if there are "any root causes of discontent and alienation", those also have to be addressed. "It is a security threat; there is no doubt in it". The Union Home Ministry is also willing to set up three or four specialised anti-Maoist centres at strategic locations, mainly at inter-state borders, each equipped with about five helicopters. The centres would be manned mainly by the CRPF and the pilots would be from the Army or BSF."

(x) Cures of Naxalites in Orissa: More than one year ago Orissa Chief Minister announced that minor cases against tribal people would be withdrawn and landless tribal families would be provided with farm land on a priority basis. It was also announced that the land disputes involving tribal people would be solved immediately. However, nothing substantial has been done at the grass roots so far. To deal with the ever increasing Naxal problem, Orissa must sufficiently increase and manage fund allocation properly in the field of healthcare, education, nutrition programmes, disease control, irrigation, rural electrification, rural roads, and other basic requirements, especially in its Naxal-infested areas. The State must ensure that its institutions do not breed exploitation. It must work on a formula where there is larger democratic participation in the process of decision-making and development.

²³ Dr. S. Subramanian: Combating Naxalite Violence published in monthly magazine future- Police and Security June, 1998 (www.aapssindia.org/article/art2)

(9) Naxalite Violence and Internal Security (foreign involvement):

The writing on the wall may be considered as the opening phase of an organised terrorist movement in the country, obviously taking shape with the covert help of foreign intelligence agencies inimical to India. The Purulia arms drop case explains the mystery of foreign involvement in which the AN-26 transport aircraft was flown by hired crew. The official myopic mindset, therefore, of treating the movement as a little more than a law and order problem to be tackled at the level of the provincial armed constabulary needs to be rectified. It is believed to have several thousand over ground and underground workers, many of them are equipped with AK-47 rifles, carbines, revolvers, pistols, double and single barrel guns, country made weapons and landmines. The source of funds to procure such large array of weaponry needs to be investigated. The PWG has killed more than two hundred police personnel in Andhra Pradesh where its victims have been politicians, landlords and even one of the ministers.

(10) Delay in payment of compensation to the families of the victims:

As far as motivating police personnel to take on the Naxalites goes, the State Government has delayed paying compensation to the families of the victims of Naxal violence. Immediately after the blast, the Bihar Government had announced compensation to the families of the victim in the form of Rs. 10 lac in cash and a job to an immediate relative. However, the BPMA maintains ' that none of the police personnel killed in extremist related violence have received any kind of compensation within reasonable time.

(11) To keep electric live wire around the jail, where (Naxalites) were lodged was held valid:

The petitioners, who were Naxalite under-trial prisoners, were undergoing the sentence in the Central Jail, Vishakhapatnam. They contended that the ' armed police guards posted around the jail and the live wire electrical mechanism fixed on the top of the jail was an infringement of their right to life and personal liberty guaranteed by Art. 21 of the constitution. 'The court however held that the convicts were not deprived of their fundamental rights by the posting of the police guards outside the jail. 146 Naxalite prisoners were lodged in jail as a result of which usual watch and ward arrangement provided was inadequate. Some prisoners had escaped from the prison. It was decided thereafter to take adequate measures to prevent the escape of the

prisoners from jail. The court said “a convict has no right, more than anyone else to dictate, where guard has to be posted to prevent the escape of prisoners. The installation of live wire mechanism does not offend their rights. It is a preventive measure intended to act as a deterrent and causes death only if a prisoner scaling the wall while attempting to escape from lawful custody. The installation of live wire does not by itself cause the death of the prisoner.”²⁴

THE LAWS MADE BY THE GOVERNMENT

Rehabilitation and Resettlement Policy, 2007

The main aim of this act is to minimize the displacement of people and to promote non-displacing or least displacing alternatives.²⁵ The Government issued a rehabilitation policy on 11 October 2007 for the easy displacement of people who lose their land for industrial growth. Under this policy land in change for land will be given, job prospective to at least one member of the family, vocational training and housing benefits including houses to people in rural areas and urban areas will be some of the benefits.

The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The Scheduled Tribe and Other Traditional Forest dwellers (Recognition of forest Rights) Act 2006 or the Forest Rights Act recognizes the rights of the scheduled tribes and forest dwellers who have been living in the forests for years but their rights have still not been recognized. The Ministry of Environment and Forests has also allowed use of 1 hectare of land for nonforest purposes and conversion of kutchha roads into pukka roads.

Chhattisgarh Special Public Securities Act, 2005

This bill provides definition of unlawful activities, declaring an organisation unlawful, formation of an advisory board wherever the state government feels the need for its establishment, procedure of the formation of the advisory board, action of the advisory board, penalties viz punishments even for not committing a crime, the power to notify a

²⁴ D.B.M. Patnaik v. State of Andhra Pradesh, AIR 1974 SC 2092

²⁵ S. Dharmadhikary, “Resettlement policy: promising start, and a let down”, Source: <http://www.indiatogether.org/2007/nov/hrt-randropol.htm>

place being used for unlawful activities and taking occupation of such place thereof and revision/bar against intervention by the court.

CHAPTER 5

SUGGESTIONS AND CONCLUSION

SUGGESTION IN CURING THE NAXALISM

According to Dr. Subramanian,²⁶ tribal and rural development has lagged behind by many decades and urgent steps are to be taken to render justice to them swiftly and efficiently. Unless this is done, conditions in these areas would be ripe for any violent groups to exploit them. Positive steps have to be taken to :

- (a) Create nationalist/patriotic spirit by eliminating Benami holdings in Tribal/Rural areas;
- (b) Assign surplus land to landless poor;
- (c) Ensuring payment of minimum wages to the tribals/rural poor;
- (d) Supply of essential commodities at subsidised rates:
- (e) Tribals should be allowed to collect, sell and utilize minor forest produce. This right should be well publicised among tribals and harassment of petty forest officials should stop;
- (f) Ensure abolition of Bonded Labour;
- (g) Provide drinking water, medical, educational, irrigation facilities, social welfare and security;
- (h) Provide easy credit facilities and eliminate money-lenders;
- (i) Establish a specially structured GIRIJAN Organisation which can function multi-dimensionally and initiate all pro-developmental activities under one roof. Plethoras of organisations/corporations only confuse the tribals;
- (j) Impart training in Simple Skills to the tribal youth to enable them to play a useful role in their community;

²⁶ Naxalism: Fact, Fiction and Future (www.aapssindia.org/article/art3)

(k) Create a simple and unified Criminal Justice System in the Tribal areas to render instant justice to the community,

(l) Improve communications. All weather-Roads, Wireless, telephone facilities, postal facilities,

(m) Special T.V. Radio Programmes in Tribal dialects to educate the tribals, and

(n) Forest contracts are to be given only to tribal cooperatives.

Further, he has suggested through that one would like to modify the Napoleon Dictum to say 'Trust the Naxalites but do not let down your guard'. As we are part of recent history, we could only appeal to the Naxalites to give up violence and concentrate on the amelioration of the conditions of the poor. They have considerable scope to spend their energies in constructive activities. The Government should do all in its power to encourage the Naxalites eschewing violence to join the mainstream.

(i) Order and security are prerequisites for economic development. Hence, police presence in Tribal areas is not only necessary but has to be strengthened.

(ii) Instead of increasing armed police, specially trained civil police personnel should be posted in Tribal hamlets/villages to assist the tribals in their developmental activities and to prevent their exploitation by outsiders. The activities of police in tribal areas are to be closely monitored to prevent abuses.

(iii) Large number of tribal youth should be inducted into police service. Their training should be specially catered to developmental activities in Tribal areas. They should function as catalysts for change.

(iv) All past charges levelled against Police are to be enquired by a Judge of the High Court and excesses coming to notice to be punished as per law.

(v) PWG should convert itself as Peoples Welfare Group and give up violence. If there is a genuine change of mind, Naxalites would be welcomed with open arms to enter the mainstream of life. But, if it is only a play to fool the Government, the bluffs will be exposed soon.

CONCLUSION

Amidst the strategies for social transformation, law is the most authentic and formal instrument. But in a country like India, where strong tradition of collectivism and community initiated ameliorative measures were employed, a bottom approach of taking society into confidence is very much required.

No one wants to disturb their peaceful life, simply by violating the law. But, some circumstances of long frustrations forced the people to do so. Once they entered into such violation, they cannot return to society, if, they desire to. So, they are not returning and keeping in mind that one violation and series of violations are the same in the eyes of law, they continue to violate the laws. It is necessary to treat them by alternative approach of law.

It is also correct that any internal war cannot be won by gun and if it is won, then it's not stable. To give the stability we must win by the love and affection. Acharya Vinoba Bhave has reformed the person by Bhodan movement with love and affection by reforming their internal feelings. Acharya and JP Narayan have proved by reforming the well established and well organised dacoits in Chambal valley as law abiding citizens. Had we not witnessed such reformation, then we could say that Naxalites are not reformable. Here we need Mahatma Gandhi, Acharya Vinoba Bhave or Jaiprakash Narayan or like, to change the internal feelings of these peoples into law abiders. This movement should turn into a social movement from political.

We want to add some suggestions to the suggestions of Dr. Subramanian, that the Government shall take some common interest in removing this socio problem by the alternative approach with love and affection. The Naxalites are human beings but are frustrated with the governance system, so first of all the Government should change their polity of the police persons in the interrogation on the allegation of being Naxalites. They must use some tactics for interrogation; they must be protected from any kinds of torture, custodial death and illegal detention.

Secondly, they should be encouraged by some social reformers to surrender to the Government. On surrender they must be treated with expiation theory and if possible should be released on probations and by other reformatory treatment.

Thirdly, all affected people and their families must be rehabilitated by social NGOs and other Government organisations. We shall not forget our winning ideology of the father of nation.

The approach reformed the dacoits of Chambal, terrorist activities in Punjab, and reduced the problem of Assam and Mizoram. Why not this problem?

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