



Marginalization and Violence: The Story of Naxalism in India

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Abstract

The largest threat that the Indian Government faces today is Naxalism, which has infested itself in more than 4 states of the Country. The root of the problem lies in the simplest of issues – marginalization of the poor forest dwellers by the very government that had sworn to protect them, as the very land that they depend on for their sustenance is snatched away. It has been transferred to giant multinational corporations in the name of development, by the exercise of the power of eminent domain. The government has been striving hard but has not been effective enough to solve this problem and rather overlooks the root of the problem. Victimization of forest dwellers begins by unilaterally taking away the very land they depend on, which results in them taking up arms against the government, and ends with trying to suppress the act of insurgency by implementation of draconian laws like the Chhattisgarh Special Public Safety Act, 2005. In between, we witness the grossest forms of crimes, marginalization and inhumane conditions in the States affected by the insurgency, to remain in the most backward conditions in the country. In light of this, the paper aims to analyse the inextricable link between the behaviour of naxals, the intent of using violence against the State and the State's acts for causing this act of violence, and propose interdisciplinary solutions on a comparison with other countries which dealt with eminent domain in forest lands and hence, resolving the issue in the Indian scenario.

Keywords: Naxalism; Marginalisation; Indian Government; Victimization.

Introduction

The typology of interpersonal violence, a method to categorize different kinds of acts of aggression, whether performed individually or collectively, categorizes coordinated destruction as the highest kind, both in the degree of coordination and the degree of destruction (Tilly, 2003, pp. 27-8). The use of violence by salient actors, who otherwise, in their daily lives are peaceful and non-violent, can be influenced by several factors. The motivating factor behind the use of violence for a Naxalite is a conscious response to *difference*, in order to eliminate it. However, it is indeed illusory, as violence cannot eliminate the difference as such, as much as it eliminates the person himself. Similarly, the ideas themselves can be replaced by ideas alone and a person subscribing to the idea can

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merely carry the idea, which becomes redundant by the use of violence as it eliminates the very process of a meaningful dialogue between actors, and hence, the possibility of an amicable settlement (Kumar, 2003, pp. 4977-8).

The advent of Naxalism has caused this very problem in India today, where the process of replacing the idea of class domination or capitalism with the communist society is being executed through violent means. This in turn is met with an equally violent counter reprisal by the State, making the world witness the grossest abuse of human rights and resulting in the marginalization and the existence of backwardness in most parts of the Naxal-affected regions. Thereby, allowing neither progress in dialogue nor development in the country. Though the root of the problem allowed the advent of such a movement, the condition today has led to much suffering of the poor for which this fight had begun in the first place.

In light of this, the paper aims to analyse the inextricable link between the behaviour of naxals, the reason behind using violence against the State and the State's acts for causing this act of violence. It is an analysis of victimization of the local villagers and forest dwellers that are left with a Hopson's choice in the war between the Naxalites and the State. Finally, interdisciplinary solutions consisting of changes in the power of eminent domain, recognition of rights of forest dwellers and a need for societal intervention and engagement on the issue are suggested.

The Naxal Ideology

An analysis of the declared policy of Naxalism leads us to the conclusion of its belief in the class character of Indian State Power, with an assertion that the country is independent merely nominal, and in reality, is semi-feudal and semi-colonial. The semi-colonial nature is exemplified in the belief that the "Congress administration represents the interests of the Indian feudal princes, big landlords and bureaucratic comprador capitalists" (Dasgupta, 1974, p. 117). This domination transcends the country's boundaries through globalisation where Naxalites believe that after the British left the country, she has subjected herself to the imperialism of the US and revisionism by Russia, ultimately trading its own national interests (Dasgupta, 1974, p. 117). On the other hand, the semi-feudal nature of the economy is evidenced by several facts such as excessive dependence on agriculture for livelihood, ineffective implementation of land reform laws, concentration of land ownership in even smaller number of hands, high rent, eviction of tenants, high rate of interest charged by money lenders and social oppression of scheduled castes which is 'reminiscent of the middle ages' (Dasgupta, 1974, p. 116).

This view is supported with evidence by the recent surge of 'development' in the country, which boasts of a nine per cent growth, though the means by which the growth is achieved is at the cost of the poor, many of whom now choose to join this movement. Large tracts of land in the forests and agricultural lands of Chhattisgarh, Jharkhand, Bihar, Andhra Pradesh, etc. are being taken over by the government and given to giant multi-nationals and national conglomerates for setting up industries or mining activities (Peoples Union for Democratic Rights [PUDR], 1997, 2005a). This results in forced evictions from lands that are fertile and fruit-bearing for farmers in a pre-dominantly agrarian economy, and hence this eviction not only leaves them landless but also without the means to obtain a steady income and livelihood. Statistics suggest that at least forty percent of the forced evictions in the last sixty years have been of 'Adivasis' to build dams for the country's supply of power and irrigation and for 'development', where the dispossessed

never get a share in it (Planning Commission of India, 2008, p. 48). Along with a constant struggle to make ends meet and no effective government policy to provide the basic necessities of life, as promised in the policies, an additional burden was placed by these forceful evictions, which was bound to raise the levels of frustration among the people of these regions.

Another factor that caused and continues to fuel the uprising is the perpetuation of the class divide between the people in the Indian society (Planning Commission of India, 2008, pp. 51-2). Marginalization of the lower classes including the Dalits begins at the grass-root level, and though the Constitution of India itself prohibits such discrimination under Article 15, the positive duty of the State to ensure the eradication of this form of discrimination has been witnessed as a massive dereliction of duty. The Naxal movement exploits this very factor, where Dalits and the marginalized sections are recruited in the battle against the government for its failure to fulfil its obligations.

Therefore, the need to raise arms against the government comes with several justifications. One is about the inevitability of the whole situation; the fact that the poor and the Dalits, who are marginalized and subjugated, were not given access to a democratic forum to raise their concerns, and thus need to voice their grievances forced them to speak the language of violence. Second, is the justification of 'victimhood', where 'violence was forced' on them, and hence, to save their land and their dignity, they were forced to use violence against the government (Kumar, 2003, pp. 4977-8).

Hence, the movement of Naxalism, which began 45 years ago, in May 1967 as a minor clash between the police force and a group of armed peasants in an obscure corner of Bengal, has now unleashed its force across major states of the country. This movement has taken at least 669 lives, including 153 police personnel in 1594 incidents, until 2005. Furthermore this group even has a political party rooting for its ideology (Bannerji, 2002, pp. 2115-16).

State's response

The State machineries considered Naxalism to be only a law and order problem and not a social movement, hence, the response was in the form of a fire-fighting mechanism that would resolve the problem on a short term basis instead of a long term policy analysis that would cure the issue from its very root. This message was conveyed loud and clear, when the NDA government was at the Centre as it had wound up the institutional mechanism for independent policy analysis of the Government in the Research and Policy division of the Union Home Ministry. At the time of the emergence of Naxal movement, the same Research and Policy division had suggested taking up of land reform measures to ensure social justice in order to salvage the agrarian unrest arising out of the green revolution (Subramanian, 2005, p. 728). Since the inception of Naxalism, this has been a fundamental problem in the State's attitude towards Naxalism which has resulted only in providing fuel to the fire.

In a Status Paper tabled in the Parliament in 2006, security and development were the proposed solutions for dealing with the 'problem of Naxalism' (Planning Commission of India, 2006). However, ironically, security and development are the two areas where the States affected by Naxalism have caused much trouble through their inappropriate attitude and policies which have hence ultimately had a boomerang effect.

The States' response can be primarily considered at two levels:

1. The security-centric external approach by the State, and 2. Land acquisition

1. Security-centric external approach by the State

The State's approach to the Naxalite movement was security-centric, even though an ameliorative and right-centric approach with emphasis on a negotiated solution was the need of the hour. This was so, especially considering the fact that the violence was not a one-sided affair by Naxalites, but the government too, had a fair share in trying to deal with the 'menace'.

An anti-Naxal attitude combined with a status attribution of culpability widely prevailed in State governments. A direct consequence of this was a bias in the minds of people in power and even otherwise against any person even remotely related or perceived to be related to any person considered to be a Naxalite (Kumar, 1973, pp. 1937-8). Even the people working for the welfare of the marginalized section were considered to be Naxalites. For example, in 1973, the District Collector of Warangal district in Andhra Pradesh had been concerned with the welfare of the weaker sections by improving land distribution, irrigation, etc. and got rid of the middlemen by establishing a direct contact with the concerned villagers. For such a concern, he was alleged to be a Naxalite based on his 'close friendship' with the Naxalites (Kumar, 1973, pp. 1937-8).

The government of Andhra Pradesh announced a ban on the CPI (ML) (People's War group) on May 21, 1992. Also included were eight of its government-perceived front organisations, including organisations of agricultural labourers, tribals, coalmine workers, women, etc. As a result a biased mindset, the police raids in the villages were intensified. Threats, arrests and torture prevailed for not only the person allegedly having connections with the banned group, but also the cadre and sympathisers of other CPI (ML) groups which have not been banned. This has caused the people to live in a state of unprecedented terror (Balagopal, 1992, p. 1222).

The culpability of the state in denying the poor their basic rights, the treachery of a corrupt bureaucracy to implement the laws, and its complicity with a trigger-happy police to suppress popular protest were the attributes of the Government in areas where Naxalites were trying to enforce pro-poor laws through their own means (Banerjee, 2008, p. 11). The States were, however, quick to respond by enforcing draconian laws like the Unlawful Activities (Prevention) Act, 1987; Chhattisgarh Public Safety Act, 2006, etc. (Planning Commission Report, 2006), which were not only against the basic norms of constitutionalism but also against humanitarian morality. Other than adding fuel to fire, victimization of the tribals and villagers is a direct impact of such law.

For instance, Section 8(2) of the Chhattisgarh Public Safety Act, 2006 punishes a person to aid any unlawful organization or harbour any member of such organization. It is practically impossible to distinguish a villager from a Naxalite based only on physical appearance. This means that even if a villager unknowingly guides a person or offers food or water, and such person turns out to be a Naxalite, the villager who helped will be considered to be a criminal under the said Act. Moreover mere planning to commit unlawful acts is made punishable under Section 8(5) of the same Act. Since the Act makes offences cognizable, and since it is again practically impossible to prove or disprove a state of mind, based on charges only of *mens rea*, any innocent person can be punished according to the whims of the police under the said provision (PUDR, 2005b) and in the presence of a strong anti-naxal mindset, the discretion cannot be assumed to be properly used.

2. *Land acquisition: Is the affected people not a part of 'public'?*

The other approach by the State is by way of exercising the power of eminent domain, which is the compulsory acquisition of land, and this power, which vests with the government, may be invoked only for a public purpose. Unfortunately, what constitutes a public purpose is wide and open to interpretation (Ramanathan, 2009, p. 133), and hence the setting up of every kind of private industry, power plant, dam or mine by any large scale industry, Indian or foreign is done by taking the land in the exercise of the power of eminent domain. The main problem with this approach is the displacement of the tribals and the peasants who use the land as a means of livelihood, and this disparity in the definition of 'public purpose' accorded by the State clearly shows that the consideration for the welfare of the tribals and the peasants, who are also citizens of the country is not within consideration while taking away the land for 'public purpose'

The majority of the tribal population in the country derives their livelihood directly or indirectly from the forests. However, most of the country's mineral resources are concentrated in the forest and tribal regions (Singh, 1986, p. 1). Over time major irrigation and power projects, mines and heavy industry have come up in these regions like Chhota Nagpur leading to the uprooting of tribals from their native homes. Some of them are rehabilitated, but most often they become destitute (PUDR, 1982). This can be attributed to the irreplaceable nature of the activity of agriculture and ignorance of their deep sentimental connection to their land. Even rehabilitation in terms of provision of jobs in the mining undertakings has negative impacts on the affected people morally, as they suddenly find themselves at the mercy of their employer, and practically, as they are inherently farmers and no other job can replace agriculture for them. In public hearings for the acquisition of their lands, despite their objection, their lands are taken away. Placed in a 'do or die' situation, they have been forced to launch militant political and social struggles in defence of their life and liberty (Iqbal, 2010). Such marginalization and forced evictions were bound to generate frustration and loss of faith towards the State among people.

Further land grabbing was initiated by the Government's movement called Salwa Judum. Villagers were forcefully evicted from their villages and were made to stay in camps set up on the sides of highways which lacked living conditions, so that they may be protected from the Naxalites and the forces could fight the Naxalites in the empty villages. Instead of being educated and employed, children and youngsters were forced to train with police and become Special Police Officers (SPOs) to assist the State in fighting the Naxalites. On attaining power, they misused it, raped the women, stole food grains, etc. (Iqbal, 2011). It is estimated that due to this forced displacement, approximately 15000 people from 420 villages are living as refugees in these temporary camps (Peoples Union for Civil Liberties [PUCL], PUDR, Association for the Protection of Democratic Rights [APDR] & Indian Association of People's Lawyers [IAPL], 2005, p. 5350).

The very basis for its implementation was the identification of innocent villagers as against Naxalites. Given the extreme difficulty of distinguishing a Naxalite from other villagers only on physical appearance or popular opinion or the willingness to innocently help Naxalites, there is not much to be said about the effectiveness of this movement. Though a method of identification of a Naxalite was devised – whoever refused to evict him/her place was assumed to be a Naxalite (PUCL, PUDR, ADPR & IAPL, 2005, p. 5350).

By way of Salwa Judum or otherwise, forced evictions and displacement imposed unimaginable hardships on the victims. For example, the internally displaced persons from Chhattisgarh used to be in perpetual limbo. No state government whether Andhra Pradesh, or Chhattisgarh, was willing to take responsibility for them. At the same time, no civil government department was capable of undermining the stern policies of the Andhra Pradesh Forest Department that wished to send them back to Chhattisgarh, who would probably dump them in mismanaged Salwa Judum camps (Iqbal, 2010b).

Therefore, the State governments could never take care of the local people or properly deal with the Naxalites. In all their policies attempting to do either, the local villagers and forest dwellers were victimized. In this background of a struggle between Naxalites and the State, the forest dwellers and villagers not only witnessed but also experienced a battle on their hometowns which inevitably affected them.

Caught in Between: A Hopson's Choice

An evident shift in the Naxal movement in the past four decades has been that weapons have become more prominent and politics have taken a backseat. Consequently, the basic problems of people have become obscured, resulting in the death of a large number of innocent people primarily belonging to the weaker sections of the society. Concerns regarding food security, land reforms, creation of adequate employment opportunities, and the elimination of social discrimination find no place in the development of the Naxal movement (NDTV, 2010a). As has been discussed in the previous section, the State governments view the Naxalite movement as a law and order problem and not as an expression of the people's aspiration to a life of dignity and self-respect. This has led to physical liquidation of people in so-called 'encounters', repression and harassment of people by illegal detention, torture and false cases, suppression of democratic activities, unlawful behaviour towards democratic organisations and encouragement of vigilante groups (Subramanian, 2005, p. 729).

The Naxalite movement now primarily focuses on 'military action' rather than people's action for social transformation. The policy of human decimation and annihilation followed by it is as mindless and flawed as the governments' policies aimed to liquidate activists and leaders (in the hope of eliminating movement) and to grab mineral rich and fertile areas of land. The Naxalite movement now connotes only a confrontation with the State forces (NDTV, 2010b), each with its own agenda of violence and power. The democratic sphere has vanished and appallingly there is no regard for human rights anymore.

Hence, the situation today has not been caused only by the violent tendencies exhibited by Naxalites but also by the government's externality and ignorance of the villagers and forest dwellers. With the terror of Naxalites, anyone in the region who would go against them was to be treated severely (Balagopal, 2003, p. 512). One of the many instances being a contractor, who was suspected to be an informer by the Naxalites, was attacked in his house in the night and was killed along with a few of his relatives, leaving the others severely injured (Iqbal, 2010c). Thus, a very strong polarity has been created between the State and Naxalites and the local population had to choose between the two, whichever pole is less harmful for them.

In exercising such a choice, various factors would subconsciously figure in the minds of the locals-

- *First*, the State is an external entity for them, at least from its attitude towards Naxalism, while those joining the Naxalite movement are only the locals. Hence, on an emotional level the locals are more likely to connect with the Naxalites, as was seen when Naxalites had launched people's courts in Jharkhand (Naxal Terror Watch, 2005).
- *Second*, though the State and Naxalites equally use violence, they differ in their treatment towards the locals. The Naxalites attack only the State entities like police and any 'suspected' informers for which the problem of identification is not a major one for them. However, the State seeks to attack the Naxalites and as is the case often, a clear distinction between a Naxalite and a Non-Naxalite villager or forest dweller cannot be made. Thus, States' aggressive policies against Naxalites are mostly implemented on the locals instead of the Naxalites. For example, the Special Police Officers (SPOs), or the Salwa Judum were basically the displaced villagers forcefully employed to fight the Naxalites. However, often certain Naxalites would infiltrate the SPOs, pretending to be a villager and then burn down self sustaining villages to fulfil his agenda and create an anti-police sentiment (Iqbal, 2011). In all this, no one is thinking about the human rights of the Dalits and Adivasis. Where earlier, they paid indirect costs by living in areas where these confrontations were most bitter, now, after the States' response, they are beginning to pay direct costs – being sought out and killed on one side while being used as cannon fodder on the other. With this scenario, the public confidence is lost and the faith increases in repressive measures and fascist solutions, as, when the weapon of terror is used, it signals the end of politics (Kannabiran, 2005, p. 1312).
- *Third*, although Naxalism as it exists today can be considered as a major hindrance in the development of the Naxal-affected tribal-rural areas, the States' attitude towards development, as is evident from its land depriving policies, is very external and this makes any development meaningless for the locals (PUDR, 1997; PUDR 1982). Basic facilities such as education, health care, etc. were anyway lacking before the Naxal movement began, so there is no guarantee for the locals to not be ignored if they choose State over Naxalites.
- *Fourth*, even if there is no sympathy towards the Naxalites, the locals follow them out of imminent fear (Rediff News, 2010).

Hence, the above analysis explains why under the current state of affairs, the probability of the locals joining Naxalites is more than them joining the State against the Naxalites. To a certain extent, this also explains the rapid growth of Naxalism in recent times. For example, in the biggest attack till now where 76 CRPF personnel were killed by the Maoists, the locals had allegedly directed them to the trap (Priyedarshi, 2010). This comes as no surprise when the locals just cannot be neutral.

Starting Points for Future Strategies

The existence of a distorted form of Naxalism, restricted to mere anti-state violence devoid of true ideological goals, has undoubtedly become a menace which contributes to the marginalization of the very people who were to be voiced through the Naxal movement. On the other hand, with all the equating factors of violence and force that exist on both sides, land grabbing is a detriment caused exclusively by the State and hence, is a deciding issue for the villagers to add to the Naxal forces. Disappointment and frustration with the States' ignorance was the reason why Naxalism started and with its

egoistic land grabbing policies, the State is keeping the otherwise neutral villagers out of its confidence.

In order to stop such victimization of innocent tribals and the alarming growth of Naxal forces, changes are required, *inter alia*, in the land acquisition laws specifically for the naxal-affected tribal dominated forest areas. Such a need is not new. The Constitution of India, in Schedule V, provides the Governor of a state with the power to create an exception of the Scheduled areas for non-applicability of any laws. In this respect, the Supreme Court of India has ruled that the transfer of tribal lands to non-tribals stands prohibited and that the tribals and forest dwellers have the first right over the natural resources in and on their lands (*Samatha v. State of A.P. (1997)*). However, despite this judgment, the Government has been extremely impudent and is flouting the directions of the Supreme Court time and again. The coerced physical eviction of the locals from their lands to enable Vedanta to start its mining activities in Niyamgiri, Lanjigarh and Kashipur in Orissa (PUDR, 2005a) serve as evidence enough for the total disregard of the Constitution, law and Supreme Court judgments in the name of 'globalization' and 'development'.

Even on a general note, the power of eminent domain was recognized in the Indian Constitution through the first amendment which introduced Schedule IX and Article 31B. Both these provisions seek to prevent invalidation of any legislation on the grounds of fundamental rights violation (Basu, 2008, p. 3689). Since, exercise of the power of eminent domain was necessary in land reform legislations to ensure equitable distribution of land the chances of fundamental rights violation were high in such legislations. Hence, they were protected by the above two constitutional provisions whose original intent was to save land reform legislations from invalidation on the ground of violation of fundamental rights (Jain, 2003, p. 1509). However, now, such a socialist power of eminent domain is used to the detriment of the poor in the name of development. With the advent of globalization, foreign companies who wish to exploit resources in the forest and rural land, get the desired land from the government after the government acquires it using the power of eminent domain. The power of eminent domain being defined by the Indian Supreme Court as 'the power of the sovereign to take property for public use without the owner's consent (*State of Bihar v. Kameshwar Singh (1952)*), necessarily excludes the owner of the land from the decision and consequences of land deprivation, resulting in the exploitation of the poor.

Under current circumstances, the way in which land acquisition should ideally be operated can be exemplified by a very recent change that has been brought about in land laws in the State of Uttar Pradesh, in effect abolishing the power of eminent domain. Under the new scheme in that state, the government will not directly involve itself in acquiring land for private developers but will have only a mediating role. Moreover, the consent of at least seventy per cent of the farmers in the project is required for acquisition to take place, without which acquisition will be illegal. Further, over and above the cash compensation, sixteen percent of the developed land will be given to the farmers whose lands are being acquired. In the case of land acquired for roads and canals, each affected family will be provided with a job, along with shares in the development company (The Hindu, 2011).

These changes, however, have been made with regard to farmers whose rights in their private land are well recognized. The problem persists when the tribals and forest dwellers are considered to not have any rights at all on their land (UNDP, 2008, p. 23), as it is

considered a common property. Hence, they are displaced without any compensation, in the name of industrialization (PUDR, 1982).

Such practice needs to be stopped in order to include the remote sections of the society and a natural right of forest dwellers in their property needs to be recognized in practice. It is pertinent to note that the jurisprudence around this issue of occupancy rights of the natives has developed considerably at a global level but Indian jurisprudence in this concern has mostly remained static which has concretized the deprivation-oriented mindset of the executive. As regards the claims to rights in common are concerned, there are significant similarities which Indian tribals share with the natives of other common law countries like the USA, Australia, etc. and therefore, their jurisprudence in relation to this issue should be relevant.

The possible justification for the power of eminent domain with regard to the tribals (forest dwellers) can be attributed to Blackburn J.'s decision in the Australian case of *Milirrupum v. Nabalco* (1970) where he held that "in acceded or conquered territory a subject cannot in law resist the expropriation by the Crown of what under the previous Sovereign was his property". It was hence, concluded that aboriginal rights to land extant before conquest or settlement did not survive the establishment of another sovereign power, and thus there could be no doctrine of 'communal native title' at common law (Singh, 1986, p. 27).

In the U.S. it was held in the case of *Johnson v. McIntosh* (1823) and reaffirmed in the subsequent cases of *Amodu Tijani v. Secretary Southern Nigeria* (1921), *United States v. Santa Fe Pacific Railroad* (1941) and *Oneida Indian Nation v. County of Oneida* (1974) that the right of the conquered to property should remain unimpaired. In the case of *Cramer v. United States* (1923), the Court had made it explicit that the fact that such right to occupancy finds no recognition in any statute or other formal governmental actions is not conclusive. It was denied that a tribal claim to any particular land must be based on a treaty, statute or other formal government actions in the case of *Naragansett Tribe v. Southern Rhode Island Land Development Corporation* (1976). In the Canadian case of *Calder v. Attorney General of British Columbia* (1973) Blackburn J.'s afore-mentioned decision was declared to be 'wholly wrong'. Even if Blackburn J.'s decision was to be considered law, as a response to it numerous legislations like *Aboriginal Land Rights (Northern Territory) Act, 1976*; the *Pit-Jantjatjara Land Rights Act, 1981*; and the *Aboriginal Affairs Planning Authority Act, 1972* had been enacted to do justice to aboriginal land titles in Australia (Singh, 1986, p. 31).

Once the right of residence is recognized as fundamental, the question naturally shifts to the issue of proof of title, in relation to which it was observed in *United States v. Santa Fe* (1941) that proof was a matter of fact and not of law indicating that the proof of title was not a concern for the original inhabitants or natives. This evolving common law jurisprudence manifests the notion that changing sovereignty within a nation does not by itself abolish rights and titles to communal property. There are numerous tribes (mostly forest dwellers) in India who have held the property since time immemorial (Singh, 1986, p. 25). Sovereignty over their land has changed from local kings to the British crown to the Indian government. These changes cannot, therefore infringe or abolish their title to land at common law even now. Yet, the land records and absence of *Pattas* or the title deed to land is one of the most widely prevalent excuses given by the government for denying rights over their land to the forest dwellers and tribals (Sakti, 2000).

Fortunately, such recognition finds place in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 that has brought about a change in the forest laws by granting legal recognition to the rights of traditional forest dwelling communities. However, instead of strict implementation, this Act has been criticized by the administration and even challenged as unconstitutional (Bombay Natural History Society and Ors. v. Union of India and Ors., 2008; Wildlife First and Ors. v. Union of India and Ors., 2008).

Another development at the global level is seen at relevant ILO Conventions. The ILO Convention 107 – Indigenous and Tribal Populations Convention, 1957, Sections 11-13 provided for the recognition of the ownership rights over individual and common lands but it also incorporated the power of eminent domain in cases involving national security or national economic development. A subsequent ILO Convention 169 – Indigenous and Tribal Peoples Convention, 1989, Sections 13-16 addressed the issue of the free consent of the affected person(s) and imposed it as a compulsory condition for acquisition by any State member and provided stronger guarantees for the protection of the rights of tribal people. It indeed is interesting to note that India has ratified the ILO Convention 107 but is not a member nation to the ILO Convention 169. The best solution to the issue is therefore, to effectively recognise the rights of villagers and forest-dwellers whose sustenance depend on the forest land. Recognition of such rights should also be considered as a factor in assessing the development of our country. It is desirable that a mineral industry needs to be setup where the resource of minerals is located however, without the free consent of the forest dwellers and tillers; such fulfillment of the need is not desirable. The incentives to be provided in order to obtain the free consent may vary but by respecting and recognizing meaningful existence of villagers and forest-dwellers and treating them with substantive equality would help not only the villagers but also the State in dealing with the problem of Naxalites.

By providing sufficient incentives, the State can ensure that the development work does not face perpetual denial. It can also serve the purpose of an appeasement policy to win over the locals. To have the locals on the governments' side will be an enormous advantage in the 'war against Naxalites'. If the local villagers and forest dwellers consider the State to be their hope and the Naxals to be their problem, states can infiltrate its people among the Naxalites, improve and diversify their intelligence base and at least expect a local villager to not lead them to a Naxalite trap. Such a method of taking support of the locals would be better internalized and not externally enforced like the Salwa Judum in Chhattisgarh. It will help to instil confidence of the people in the government, and instead of falling back on the repressive measures of the Naxalite movement; such a change in the State's policy can bring about a shift in loyalties to the persons who actually seek the welfare of the people in those regions.

Finally, when we speak of the Naxal movement, there are three factors to be taken into account: specific politics, a rather wide social base and ruthless terror as a means. However, though they employ such violent means and are denounced as a political party, the fact that it is meant to focus on altering the current social strata in order to uplift the poor and the downtrodden attracts its social base. This is not a concern just for the people involved in the movement, but should be a concern of the people of India and the citizenry as a whole. Hence, while the people living in those areas bear the brutalities from both the ends, the denunciation of responsibility of the society as a whole to engage in a rational debate about the Naxalite movement and its analysis of society's problems, shows

that the change sought from within, or from its roots, cannot be achieved. Society as a whole has withdrawn into total silence, which also gives legitimacy in some form to the police to engage in their brutality. The message that the public sends of allowing the battle of guns to settle an issue is not the order of the day, especially in a thriving democracy like India (Balagopal, 1997, p. 2254). In the words of the German Pastor Martin Niemöller (Marcuse, 2000),

First they came for the communists, and I didn't speak out because I wasn't a communist. Then they came for the trade unionists, and I didn't speak out because I wasn't a trade unionist. Then they came for the Jews, and I didn't speak out because I wasn't a Jew. Then they came for me and there was no one left to speak out for me.

This is, therefore, one aspect that also needs consideration while analyzing the solutions to bring an end to this battle.

Conclusion

As we have seen, problems in terms of ignoring socioeconomic ends lead to the Naxal movement which in turn adopted violence. The movement lost the opportunity to make itself clear because of the violence, the State takes it as a security issue or a law and order problem instead of an ideological political struggle. The response, therefore, does not connect with the movement in terms of perceived ends in the first place. While the State's stance on dealing with Naxalites instead of Naxalism remained constant, the Naxal movement changed from Naxal ideologies to military ideologies. Violence became an end in itself. Thus, to stop the menace of Naxalites has now become a need, but as long as the root of the problem exists, the Naxalites will have a strong sentimental ground. With each State acting in ignorance of the prevailing backwardness and marginalization of the affected areas, the Naxal forces will keep getting stronger.

The Naxal movement cannot and should not be responded with ignorance of their ends i.e. socio-economic welfare. The change suggested above in terms of the abolition of the power of eminent domain and recognition of rights of forest dwellers is just a starting point in the entire cleanup process. It will not be correct to say that the State merely ceasing acts of land grabbing will stop their so-called Naxalite movement, but at the same time, this also does not mean that the land grabbing should continue. Obviously, the repressive approach and torture and humiliation by the police has to be stopped, policies like the Salwa Judum and legislations like the Chhattisgarh Special Public Safety Act, 2005 have to be repealed. This would not amount to giving a free licence to the Naxalites because even in the presence of these policies and legislations, Naxalites have been successful in spreading their terror. However, this would mean that the problem of Naxalism is to be looked from a policy perspective as a socioeconomic problem.

Moreover, advanced artillery for police for the protection of local villagers along with a rigorous training of the Constitutional freedoms and protections of the citizens can satisfy the security concerns. Effective implementation of protective legislations such as the Panchayat Extension of the Schedule Areas Act, 1996 (PESA), National Rural Employment Guarantee Act, 2005 (NREGA) and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be ensured (Planning Commission of India, 2008, p. 62).

The government needs to focus on revising its land acquisition policy. Besides the changes suggested before agricultural land should not be given for non-agricultural purposes and even for acquisition of waste lands, villagers or forest dwellers should be properly rehabilitated and their rights duly recognized (Planning Commission of India, 2008, p. 69). However, efforts should be made to keep instances of land acquisition and human displacement at the minimum. Gradually, provisions of basic amenities can help these societies to be self sustaining which would mark the starting point of their development, in their own way.

In 1955, Prime Minister Jawaharlal Nehru had addressed an All India Conference of Tribes in Jagdalpur, Bastar District of Chhattisgarh (then Madhya Pradesh) and had said: “Wherever you live, you should live in your own way. This is what I want you to decide yourselves. How would you like to live? Your old customs and habits are good. We want that they should survive but at the same time we want that you should be educated and should do your part in the welfare of the country” (Iqbal, 2010). The ‘development’ of these regions, therefore, should be done in their own way and the perpetual marginalization, ignorance and violence will gradually reduce.

Post Script. A recent decision of the Supreme Court of India holding that the employment of Special Police Officers, (popularly known as the Salwa Judum) was unconstitutional and violative of the Right to Life came as a respite to the people living in areas affected by the problem of the cross-fire. The Court went on to state that the right to life is not merely an animal existence but a holistic right, which included the right to live with dignity, and since even the SPOs, who were untrained and underpaid, lived in the middle of a battle between the state and the naxalites, there was a violation of even their Right to Life (Nandini Sundar vs. State of Chhattisgarh, 2011). This decision is highlighted in light of the authors’ suggestion of repealing policies such as deployment of the Salwa Judum forces as it has caused much problem in the area. This is seen as a positive move by the Indian judiciary as with decisions like these there is hope for those affected by this cross-fire.

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