



Banning the Naxalites

What Next

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On 22 June 2009, the Government of India banned the Communist Party of India (Maoist) through a notification of the Ministry of Home Affairs. Branding the CPI (Maoist) as a terrorist organization, the Government invoked Section 41 of the Unlawful Activities (Prevention) Act against it. This is a special act which enables the Central Government to declare an association as unlawful.

It is too early to speculate on the impact of the ban; however, with this notification, the Naxal movement in India has entered yet another phase of revolution and counter-revolution. While the birth of the CPI (Maoist) in September 2004 proved to be a milestone in the history of left wing extremism, the ban is bound to have large-scale implications. Since its inception in 1967, the Naxal movement has presented a dilemma for Indian society, wherein policy makers, scholars and others are widely divided over the issue of the use of violence by Naxals as a political tactic. While detractors have labeled it as just another form of terrorism, Naxal groups have never dropped their slogan of 'People's War for People's Government'.

Today, as Naxalism looms large over at least twelve Indian states with Chhatisgarh, Jharkhand, Orissa, Bihar, and Andhra Pradesh being the worst affected, the following questions need to be addressed: What does the ban mean? Is it required? What are the major policy changes expected to follow from the ban? How will the CPI (Maoist) respond, under the changed circumstances?

LEGAL & POLICY IMPLICATIONS

Section 16 of the Criminal Law Amendment Act 1908 enables the state government to declare an

association to be 'unlawful'. Such a declaration can be made if the state government is of the opinion that the association interferes with the administration of law, maintenance of law and order or constitutes a danger to public peace. Acting under Section 16 of the Criminal Law Amendment Act 1908, Orissa, Jharkhand and Tamil Nadu have declared the CPI (Maoist) an unlawful association. Bihar has declared the MCC and the CPI (ML)-PW as unlawful associations. Andhra Pradesh, Madhya Pradesh and Chhattisgarh have declared CPI (Maoist) as an unlawful association under their respective state Acts.

Two main Naxalite groups – the Maoist Communist Centre (MCC) and CPI (ML-People's War) merged in September 2004 to form the CPI (Maoist). The two groups along with their "formations and front organizations" are already listed as terrorist organizations under the Unlawful Activities (Prevention) Act. With the declaration of the ban, the government has now placed the umbrella CPI-Maoist in the same category. "Nevertheless, in order to avoid any ambiguity, the Central Government has, in exercise of powers under Section 35 (1) (a), added CPI (Maoist) to the Schedule to the Act."

Unlawful Activities (Prevention) Act is applicable all over the country and the Government of India last amended the Act after the 2008 Mumbai attacks, which came into force on 31 December 2008. As the CPI (Maoist) has now been declared a terrorist organization, every Maoist cadre will be treated as a terrorist. An arrested Maoist cadre can now be kept by police on a 30-day remand and once sent to the court, will not be granted bail for three months. Moreover, if any Maoist cadre is arrested with arms and ammunition, they will not be granted bail. Additionally, the police will have the authority to arrest anyone without a warrant if the person in question is a suspected cadre of the CPI (Maoist). If proven guilty under this Act, there is a provision for

imprisonment ranging from ten years to life. For those who provide or arrange finances for the CPI (Maoist), the Act has a provision for the imprisonment of such persons for a period five years to life. Police will also have the right to attach the property of such persons. Anyone found guilty of alluring others to join the Maoist organization or arranging training camps for Maoists will also invite punishment of imprisonment from five years to life. Another provision of the Act provides that if suspected of having information related to Maoists, then a person or organization can be questioned by a police officer not below the rank of Superintendent of Police. Furthermore, if the person or organization tries to hide the truth or provides wrong information, then the police can arrest such a person who in turn can be penalized for three years. The UAPA also provides for the creation of Special Courts that can try terrorism (Naxalism) offences in camera.

Many argue that these provisions were already applicable to Maoist cadres, since the parent Naxal bodies – the CPI (ML-PW) and MCC (I) were listed as terrorist organizations under the UAPA and therefore, banning the CPI (Maoist) amounts to a repetition of the earlier stand. However, the announcement of the ban by the government and some earlier decisions, bear unmistakable signs of a changing if not an already altered approach in dealing with the problem of left wing extremism in the country. Prime Minister Manmohan Singh has repeatedly termed Naxalism as the country's greatest internal security threat. "It would not be exaggeration to say that the problem of Naxalism is the single biggest internal security challenge ever faced by our country." The Presidential address delivered earlier this month when parliament reconvened for the first time since the re-election of the Congress-led United Progressive Alliance (UPA) — proclaimed "internal security" as the government's first priority: "A policy of zero-tolerance toward terrorism, from whatever source it originates will be pursued. Stern measures to handle insurgency and left wing extremism will be taken." These statements and the ban suggest that the government's response to Naxalism will revolve around its security

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doctrine. However, some earlier decisions of the government suggest that the government is looking beyond the security doctrine.

During the previous UPA government, three of the government's prime bodies, that is, the Planning Commission, Administrative Reforms Commission and National Human Rights Commission admitted that Naxalism was a problem with its root in the socio-economic conditions of the country. On the basis of those reports, the Government of India approved a special development package of Rs. 20,000 crore to be spent in the following three years in the 33 Naxal-affected districts, along with 22 districts situated around Naxal-infested areas.

However, given the chaotic situation in almost all the Maoist-affected districts of Chhatisgarh, Jharkhand, Orissa, Bihar and more recently, West Bengal, the real test for the government will be to take all these measures to the people for whom they are meant. In all likelihood, the government will now use security measures to reach the Maoist-infested areas and then subsequently, implement its development agenda. A multi-pronged strategy seems to be underway as the government is working on an agenda to club together security and development approaches to deal with the Maoist problem.

II TERRORISM & NAXALISM: TOWARDS AN UNDERSTANDING

Terrorism is a complex phenomenon and lacks a precise definition that can be widely applied. In the absence a widely accepted definition therefore, terrorism is generally understood in terms of the nature of an act and its effect. Scholars may disagree on a common definition of terrorism, but they certainly agree upon the main elements which any definition of terrorism should include.

What is Naxalism and is it logical to view Naxalism within the scope of terrorism? In plain and simple terms, Naxalism refers to the ideology of left wing extremism that traces back its origin to the May 1967 peasant uprising in Naxalbari in the Darjeeling district of West Bengal. Amidst several splits and mergers, Naxalism today is represented by the CPI (Maoist) whose programmes and activities are 'based on the thought of Mao-Ze-Dong', broadly translated by Charu Mazumdar to its fundamentals as 'the physical annihilation of class enemies.' One can have three distinct views on Naxalism. First, it is a reflection of the prevalent

injustice and oppression in society. Second, it represents the conflict between values of democratic change and status quo. Third, the Naxal movement, over the years, has displayed a character which can be termed as a 'fetish for violence'.

The Unlawful Activities (Prevention) Amendment Act, 2008 consists of a clear definition of a terrorist organization. "Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,

(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—

(i) death of, or injuries to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(iv) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act."

Going by the above definition and transformations in the modus operandi of Naxals,

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one can undoubtedly conclude that over the years, Naxalism has drawn itself closer to resemble the elements of terrorism. Since 1967, violence has remained the central characteristic of the movement with slogans like 'Power comes from the barrel of the gun', 'area wise seizure of power', 'rural areas surrounding the cities', and 'struggle not for land and for corps but for political power'. The recent methods of operation of the Naxal movement have left no place for any ideological commitment. Indiscriminate use of violence in the name of revolution cannot be the road to development. The CPI (Maoist) has been repeatedly saying that "armed struggle" is non-negotiable.

"Armed struggle" may be the means to an end, but it cannot be an end in itself. While the Naxal brand of politics may have had the distinction of highlighting the evils of India's socio-political structures, they have also had the dubious tendency of keeping these evils alive. For example, the Naxal leadership has consistently highlighted the issues of poverty and underdevelopment, but it is equally true that it is because of their violent presence that the state has been unable to push its development agenda in the Naxal-infested regions.

This is not to justify the failure of the state, but rather, to refute the Naxalite claim of 'politics for development'. While they talk about lawlessness, the high levels of violence that they perpetrate, makes them the greatest facilitators of lawlessness in the Naxal-infested regions. Naxals are no champions of development, but have a vested interest in keeping poverty alive because it enables them to expand their territory.

III

CONCLUSIONS: FUTURE CHALLENGES

The Naxalite issue has emerged as the single-biggest challenge to the internal security of the nation. The question that naturally arises is how has it grown into such a serious threat? Most of the responses to the question provide a similar

diagnosis – economic disparity, exploitation of the deprived, feudalism, and faulty land distribution system, among others. Clamping a ban in itself is no solution. On the contrary, it has placed the government in a situation where it needs to perform. If it is able to get its act together and quell the Maoist violence and re-establish government rule in the Maoist-affected areas, it will regain its credibility to some extent. For the successful realization of the motives of the ban, it is necessary for the political mechanism to stand firm and rescue the nation's millions, desolate victims of deprivation and exploitation who believably have no alternative but to drift in the direction of those who promise nothing beyond vicious anarchy.

In all likelihood, the CPI (Maoist) will use all its force to rebuff the government ban. They made their intentions clear when the Home Minister visited the Maoist-affected district of Koraput recently, just after the announcement of the ban. Hours before Chidambaram arrived in Koraput, in a well-coordinated move, Maoists attacked and ransacked Narayanpatna Block office, Kakirigumma railway station along the Bhubaneswar-Koraput route, and three mobile towers, including one belonging to the BSNL. As the Government signals a move towards combining development and security measures, Maoist forces will react sharply to the development agenda of the government. It is in this context that the construction of the Dantewada-Malkangiri rail route will meet stiff challenges. Communication and transportation establishments seem vulnerable to Maoist violence, as the Maoists will use all their force to prevent the government agencies from reaching inaccessible areas. The CPI (Maoist) will continue its opposition to the industrial and mining projects and it is here that the proper implementation of the R&R policy by the government will hold the key. The proper implementation of the Tribal Forest Right Act and the recently announced Prime Minister Village Yojana will certainly help the government make its presence felt among the poor and downtrodden.

Violence, as a technique, has been employed by the Naxal movement right from its inception, courtesy Charu Majumdar's Annihilation Doctrine. However, the indiscriminate use of violence and counter violence in the name of development by the CPI (Maoist) has somehow made the Naxal movement a more complex phenomenon. It has taken the conflict dynamics to a different level, which offers an altogether different plateau of analysis, quite different from that of the Spring Thunder. The Naxal movement as led by CPI

(Maoist) has become one such case of structural violence, mostly seen from the looking glass of poverty, underdevelopment and absolute deprivation. However, it is also a fact that despite its continuity within the spectrum of Indian Politics (though it claims that it does not believe in the institutions of parliamentary democracy); Naxalism so far, has not been able to come up with an alternative development formula for the Indian nation-state. Also, there is little hope if the Naxal rank and file ever come close to the level of policy-making or programme implementation.

No anti-insurrection strategy can work if the government is indecisive about it. Now, with the Government claiming to have cleared all ambiguities after clamping a ban on the CPI (Maoist), we can only hope that the government agencies will set into motion the process of developing a proper legal, constitutional and institutional framework to effectively deal with coordinated Maoist violence, which affects nearly one fourth of the country. Militancy across the world has three dimensions: people, government and militants.

Therefore, the government's strategy must aim to win over the people and give the Naxals a firm fight. The government will have to substantiate the ban with an innovative approach to tackle the problem of Naxalism. The security personnel deployed for anti-Naxal operations must understand that neither are all tribals Maoists nor are all Maoists tribals. While tackling the Maoist problem, the government should aim to annihilate the evils of Naxalism, since physical body count alone will not lead to the desired results. While well-coordinated efforts of security forces may have freed Lalgah (West Bengal) and Narayanpatana (Orissa); the biggest challenge that the government now faces is not simply freeing people and areas from the clutches of the Maoists, but to stay there - with the people, for the people



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